

WEBVTT

1 00:00:00.090 --> 00:00:03.690 <v ->So these guys had a wonderful break</v>  
2 00:00:03.690 --> 00:00:08.690 and today it is my great pleasure to introduce  
Suzi Ruhl.  
3 00:00:08.700 --> 00:00:12.750 She's a Senior Research Scientist at Child Study  
Center  
4 00:00:12.750 --> 00:00:17.643 and also the Director of Policy at Elevate Policy  
Lab.  
5 00:00:20.370 --> 00:00:21.753 Suzi's interest,  
6 00:00:22.860 --> 00:00:26.910 child, maternal, and family mental health and  
social support  
7 00:00:26.910 --> 00:00:30.330 and equitably build an individual and commu-  
nity resilience  
8 00:00:30.330 --> 00:00:33.153 by tackling the highest priority communities.  
9 00:00:37.348 --> 00:00:40.320 One thing I want to highlight  
10 00:00:40.320 --> 00:00:45.320 is that Suzi co-founded the Brownfields to  
Healthfields,  
11 00:00:45.600 --> 00:00:49.200 a community driven policy holder approach,  
12 00:00:49.200 --> 00:00:52.210 really getting the community  
13 00:00:53.128 --> 00:00:55.688 to talk about environmental justice and climate  
justice.  
14 00:00:55.688 --> 00:00:58.590 Just want to make last one thing  
15 00:00:58.590 --> 00:01:01.564 is that prior to her (incoherent),  
16 00:01:01.564 --> 00:01:03.462 she has been serving more than a decade  
17 00:01:03.462 --> 00:01:08.000 at the best EPA office of the environmental  
justice  
18 00:01:08.000 --> 00:01:09.840 at the same hospital.  
19 00:01:09.840 --> 00:01:12.450 So without further ado, let's welcome Suzi  
Ruhl.  
20 00:01:17.430 --> 00:01:20.162 <v ->Thank you all so much for coming to my  
talk.</v>  
21 00:01:20.162 --> 00:01:20.995 I know you had to,  
22 00:01:20.995 --> 00:01:23.370 but I looked at each and every one of you  
23 00:01:23.370 --> 00:01:26.190 as the new reinforcement,

24 00:01:26.190 --> 00:01:27.780 like baseball season is coming up  
25 00:01:27.780 --> 00:01:29.790 and you're the new pinch hitters  
26 00:01:29.790 --> 00:01:30.780 or you can do a basketball analogy,  
27 00:01:30.780 --> 00:01:32.880 and today I'll be using a sailing analogy,  
28 00:01:33.735 --> 00:01:37.110 but your role is vital in helping the world  
29 00:01:37.110 --> 00:01:41.370 from local to global really address climate  
change.  
30 00:01:41.370 --> 00:01:44.430 And every news cycle brings to us  
31 00:01:44.430 --> 00:01:46.980 a sense of urgency of what's happening  
32 00:01:46.980 --> 00:01:48.990 and who's it's happening to.  
33 00:01:48.990 --> 00:01:51.600 As we know from the "Rolling Stone" report  
34 00:01:51.600 --> 00:01:53.160 over this past weekend,  
35 00:01:53.160 --> 00:01:55.710 of the 60% of the community that is Black,  
36 00:01:55.710 --> 00:01:58.590 one in four are living below the poverty line.  
37 00:01:58.590 --> 00:02:00.660 And what I'm trying to do  
38 00:02:00.660 --> 00:02:03.900 with the approach I'm gonna be sharing with  
you today  
39 00:02:03.900 --> 00:02:08.880 is highlight and really drill down on an approach  
that,  
40 00:02:08.880 --> 00:02:11.340 in my opinion, is anemic at this time,  
41 00:02:11.340 --> 00:02:14.400 which gives you a great opportunity to step  
into this place  
42 00:02:14.400 --> 00:02:15.543 and really shape it.  
43 00:02:16.608 --> 00:02:17.441 And what's anemic  
44 00:02:17.441 --> 00:02:20.400 is this recognition of this disproportionate bur-  
den  
45 00:02:20.400 --> 00:02:23.580 on people of color and low wealth,  
46 00:02:23.580 --> 00:02:27.603 and the lack of effective and robust use of policy  
measures.  
47 00:02:30.328 --> 00:02:31.831 And so today you better put your seatbelt on  
48 00:02:31.831 --> 00:02:34.170 because we're gonna be going through a lot of  
information.  
49 00:02:34.170 --> 00:02:35.190 Don't worry about this,

50 00:02:35.190 --> 00:02:39.965 consider this to be the appetizer where I just taste it,  
51 00:02:39.965 --> 00:02:41.790 because what I really wanna do is inspire you  
52 00:02:41.790 --> 00:02:44.790 and incentivize you to really pay close attention  
53 00:02:44.790 --> 00:02:46.230 again to this equity piece,  
54 00:02:46.230 --> 00:02:48.513 but also to the method of policy.  
55 00:02:49.561 --> 00:02:51.990 So that's what we're gonna do today.  
56 00:02:51.990 --> 00:02:53.934 And as context,  
57 00:02:53.934 --> 00:02:58.020 I want to give you a little bit of a background  
58 00:02:58.020 --> 00:03:00.450 on how I got to where I am today  
59 00:03:00.450 --> 00:03:03.180 because that clearly delineates the approach  
60 00:03:03.180 --> 00:03:05.764 that I'm proposing and that I'm using,  
61 00:03:05.764 --> 00:03:06.597 I'm implementing,  
62 00:03:06.597 --> 00:03:07.980 and I feel like I've learned from the best.  
63 00:03:07.980 --> 00:03:09.030 I've learned from the people  
64 00:03:09.030 --> 00:03:11.760 who do bear the burden of pollution, disease, poverty,  
65 00:03:11.760 --> 00:03:13.680 and crime, but who are brilliant  
66 00:03:13.680 --> 00:03:16.080 and who have done so much to protect  
67 00:03:16.080 --> 00:03:18.430 the life of their families and their community.  
68 00:03:19.800 --> 00:03:20.850 I also wanna emphasize  
69 00:03:20.850 --> 00:03:24.090 that I'm going to be covering the federal approach.  
70 00:03:24.090 --> 00:03:26.280 There are enormous opportunities  
71 00:03:26.280 --> 00:03:29.266 at the non-federal approach at the state level,  
72 00:03:29.266 --> 00:03:32.100 but I do wanna start with the federal approach.  
73 00:03:32.100 --> 00:03:34.740 And from the lens of what I've done,  
74 00:03:34.740 --> 00:03:36.780 as I started my career working  
75 00:03:36.780 --> 00:03:38.160 with a public interest law firm  
76 00:03:38.160 --> 00:03:40.140 that I started in my basement of my house  
77 00:03:40.140 --> 00:03:42.254 in Birmingham, Alabama,  
78 00:03:42.254 --> 00:03:43.500 a good company with Martin Luther King

79 00:03:43.500 --> 00:03:45.930 coming out of the Birmingham Jail.

80 00:03:45.930 --> 00:03:50.790 And it was a law firm that was created to work with,

81 00:03:50.790 --> 00:03:52.770 arm in arm, hand in hand

82 00:03:52.770 --> 00:03:54.870 with the people again, who were bearing the burden

83 00:03:54.870 --> 00:03:56.850 of pollution, disease, poverty, and crime.

84 00:03:56.850 --> 00:04:00.120 We didn't have much money, but we had a lot of energy.

85 00:04:00.120 --> 00:04:02.160 And we had major victories,

86 00:04:02.160 --> 00:04:03.873 we sued the Department of Energy

87 00:04:03.873 --> 00:04:07.050 for losing 2.4 million pounds of mercury

88 00:04:07.050 --> 00:04:09.360 in a creek in Tennessee that the community relied on

89 00:04:09.360 --> 00:04:11.370 for subsistence eating.

90 00:04:11.370 --> 00:04:13.260 We won that lawsuit in summary judgment,

91 00:04:13.260 --> 00:04:15.450 and now there's a billion-dollar program

92 00:04:15.450 --> 00:04:17.340 to deal with legacy contamination.

93 00:04:17.340 --> 00:04:21.720 And the Department of Energy even recognized that lawsuit,

94 00:04:21.720 --> 00:04:22.770 Lee vs O'Dell,

95 00:04:22.770 --> 00:04:25.680 as one of the top 10 actions of the 1980s,

96 00:04:25.680 --> 00:04:27.540 along with the fall of communism.

97 00:04:27.540 --> 00:04:29.340 So that shows you the power

98 00:04:29.340 --> 00:04:31.743 that people can come and bring to the table.

99 00:04:32.618 --> 00:04:35.220 I spent my time there, did a little bit of work on nonprofit

100 00:04:35.220 --> 00:04:36.180 on the national level,

101 00:04:36.180 --> 00:04:39.840 but I spent a number of decades suing the federal government

102 00:04:39.840 --> 00:04:41.340 and multinational corporations.

103 00:04:41.340 --> 00:04:42.750 Then when Obama was elected,

104 00:04:42.750 --> 00:04:46.530 I got recruited to be senior counsel at EPA.

105 00:04:46.530 --> 00:04:48.180 And I wanna say, as an aside,  
106 00:04:48.180 --> 00:04:49.650 some of the great questions  
107 00:04:49.650 --> 00:04:51.480 that y'all have presented already  
108 00:04:51.480 --> 00:04:52.890 talk about that interface  
109 00:04:52.890 --> 00:04:55.350 between EPA and the other departments.  
110 00:04:55.350 --> 00:04:57.720 I have to say that the most glorious time  
111 00:04:57.720 --> 00:04:59.979 was working with the other federal departments  
112 00:04:59.979 --> 00:05:01.860 'cause I think that's where we made the most progress.  
113 00:05:01.860 --> 00:05:04.320 And I'll talk more about that today.  
114 00:05:04.320 --> 00:05:06.810 But coming back to today, and where I am,  
115 00:05:06.810 --> 00:05:08.190 and where you are,  
116 00:05:08.190 --> 00:05:11.490 was the recognition that trying to save the world  
117 00:05:11.490 --> 00:05:13.590 out of the beltway in DC  
118 00:05:13.590 --> 00:05:15.720 or the beltways of the state capitals  
119 00:05:15.720 --> 00:05:18.930 where you have the regional agencies is not enough.  
120 00:05:18.930 --> 00:05:20.250 It's simply not enough.  
121 00:05:20.250 --> 00:05:23.100 Premature deaths are not slowing down,  
122 00:05:23.100 --> 00:05:26.700 it's getting worse, exacerbated by COVID and continuing.  
123 00:05:26.700 --> 00:05:28.260 And that creates the opportunity,  
124 00:05:28.260 --> 00:05:30.060 the need for everything that you're doing  
125 00:05:30.060 --> 00:05:33.180 as a student of public health to really make a difference.  
126 00:05:33.180 --> 00:05:35.010 And it's to make a difference  
127 00:05:35.010 --> 00:05:37.530 both from the lens of looking at the stressors,  
128 00:05:37.530 --> 00:05:39.570 the environmental stressors and adversity,  
129 00:05:39.570 --> 00:05:42.153 and really seizing the day with policy.  
130 00:05:43.050 --> 00:05:47.160 So with that, because I'm giving you so much,

131 00:05:47.160 --> 00:05:48.900 and I always like to introduce a little bit of fun

132 00:05:48.900 --> 00:05:51.990 and excitement, I love to do the sailing analogy.

133 00:05:51.990 --> 00:05:53.820 I'm the person who thought I was gonna go

134 00:05:53.820 --> 00:05:55.530 on a nice relaxing vacation

135 00:05:55.530 --> 00:05:57.360 from the northwest corner of Spain

136 00:05:57.360 --> 00:05:59.130 to an island off of Africa.

137 00:05:59.130 --> 00:06:01.470 Turns out we ran into the tail end of a hurricane

138 00:06:01.470 --> 00:06:03.960 and we were a thousand miles in the North Atlantic

139 00:06:03.960 --> 00:06:05.070 dealing with a hurricane.

140 00:06:05.070 --> 00:06:07.429 So that taught me a lot about survival,

141 00:06:07.429 --> 00:06:09.510 survival and sailing,

142 00:06:09.510 --> 00:06:14.070 but also survival and the work that we're trying to do.

143 00:06:14.070 --> 00:06:16.860 And when we start talking about climate equity,

144 00:06:16.860 --> 00:06:18.697 which is our destination,

145 00:06:18.697 --> 00:06:21.690 and when we start talking about policy,

146 00:06:21.690 --> 00:06:25.680 the first thing we need to ask ourselves is, what is policy?

147 00:06:25.680 --> 00:06:29.490 And I think that I'm gonna actually read this

148 00:06:29.490 --> 00:06:31.770 in terms of a definition.

149 00:06:31.770 --> 00:06:34.740 It's generally defined as a system of laws,

150 00:06:34.740 --> 00:06:37.260 regulatory measures, courses of action

151 00:06:37.260 --> 00:06:41.070 and funding opportunities concerning a given topic

152 00:06:41.070 --> 00:06:43.110 that's promulgated by government.

153 00:06:43.110 --> 00:06:46.200 And I think that my three years of experience

154 00:06:46.200 --> 00:06:47.460 in an academic setting

155 00:06:47.460 --> 00:06:51.360 has been that the understanding of policy is anemic at best.

156 00:06:51.360 --> 00:06:52.770 It's very limited.

157 00:06:52.770 --> 00:06:55.770 It's not recognized as being multidimensional

158 00:06:55.770 --> 00:06:57.990 and having different types.

159 00:06:57.990 --> 00:07:00.480 But most importantly, in coming to this class

160 00:07:00.480 --> 00:07:02.940 and the concept of methods,

161 00:07:02.940 --> 00:07:07.940 is that just like the wind is the movement of air over land,

162 00:07:08.340 --> 00:07:12.390 policy has to be thought of as not a noun, but a verb.

163 00:07:12.390 --> 00:07:14.820 And what I wanna do today is break down

164 00:07:14.820 --> 00:07:18.840 the components of what you need to do to really dive into

165 00:07:18.840 --> 00:07:21.526 or jump into the oceans of sailing

166 00:07:21.526 --> 00:07:24.060 and think about what are those methods

167 00:07:24.060 --> 00:07:25.290 and what is the foundation

168 00:07:25.290 --> 00:07:27.420 that you need to be able to navigate

169 00:07:27.420 --> 00:07:32.420 and chart your course for policy to get to climate equity.

170 00:07:32.490 --> 00:07:35.250 And again, making the analogy between the sea state

171 00:07:35.250 --> 00:07:38.070 and the conditions of the impacted population,

172 00:07:38.070 --> 00:07:39.930 thinking and knowing what are your coordinates,

173 00:07:39.930 --> 00:07:42.150 where are you gonna get to with the decisions

174 00:07:42.150 --> 00:07:43.890 and the decision makers,

175 00:07:43.890 --> 00:07:45.600 understanding the authorities,

176 00:07:45.600 --> 00:07:47.400 the full range of authorities that we have

177 00:07:47.400 --> 00:07:49.320 that are gonna influence climate

178 00:07:49.320 --> 00:07:53.040 and climate's impact on people and the natural systems.

179 00:07:53.040 --> 00:07:54.060 And then I wanna end

180 00:07:54.060 --> 00:07:58.487 with some case examples of the application of this process

181 00:07:59.690 --> 00:08:02.961 for charting your course to climate equity  
182 00:08:02.961 --> 00:08:04.920 through policy methods.  
183 00:08:04.920 --> 00:08:07.140 So to get started,  
184 00:08:07.140 --> 00:08:10.920 how many of you are familiar with the map-  
ping tools  
185 00:08:10.920 --> 00:08:13.950 and how many of you have used the mapping  
tools  
186 00:08:13.950 --> 00:08:17.160 that either the federal or the state government  
have created  
187 00:08:17.160 --> 00:08:20.250 for environmental justice and climate justice?  
188 00:08:20.250 --> 00:08:21.690 See, that's great.  
189 00:08:21.690 --> 00:08:22.890 That's great.  
190 00:08:22.890 --> 00:08:24.780 And there are some very interesting nuances  
191 00:08:24.780 --> 00:08:26.430 because I'm sure that you're aware  
192 00:08:26.430 --> 00:08:29.970 that the seminal tool was EJ Screen.  
193 00:08:29.970 --> 00:08:33.207 I was in EPA at the time that was created.  
194 00:08:33.207 --> 00:08:34.380 I wasn't involved hand-on-hand,  
195 00:08:34.380 --> 00:08:36.900 but I really emphasized the need to recognize  
196 00:08:36.900 --> 00:08:39.000 the public health component.  
197 00:08:39.000 --> 00:08:40.560 Even though every environmental statute  
198 00:08:40.560 --> 00:08:42.300 talks about environment of public health,  
199 00:08:42.300 --> 00:08:44.910 most of EPA's focus has been on the environ-  
ment  
200 00:08:44.910 --> 00:08:46.350 and not on public health.  
201 00:08:46.350 --> 00:08:48.719 As you know, there are 12 indicators.  
202 00:08:48.719 --> 00:08:51.240 It looks at environmental indicators,  
203 00:08:51.240 --> 00:08:54.780 as well as socioeconomic status, race, income,  
204 00:08:54.780 --> 00:08:58.440 English proficiency, educational level, so on  
and so forth.  
205 00:08:58.440 --> 00:09:00.030 And so that's been the historical one.  
206 00:09:00.030 --> 00:09:01.860 But under the Biden administration,  
207 00:09:01.860 --> 00:09:05.103 we've had two new EJ mapping tools come  
out.

208 00:09:05.103 --> 00:09:07.710 The first two, and I'll talk more about it later  
209 00:09:07.710 --> 00:09:09.060 in terms of authority,  
210 00:09:09.060 --> 00:09:13.051 was dealing with Executive Order 14008.  
211 00:09:13.051 --> 00:09:14.820 And looking at the Justice 40 initiative,  
212 00:09:14.820 --> 00:09:17.488 again, talking about it a little bit  
213 00:09:17.488 --> 00:09:19.890 later on in the lecture.  
214 00:09:19.890 --> 00:09:22.110 It's coming out of the CEQ,  
215 00:09:22.110 --> 00:09:24.560 the White House Council on Environmental  
Quality,  
216 00:09:26.700 --> 00:09:30.090 which is pretty much the policy voice  
217 00:09:30.090 --> 00:09:31.320 for the federal government,  
218 00:09:31.320 --> 00:09:33.060 even though it doesn't have a lot of legs  
219 00:09:33.060 --> 00:09:35.340 and doesn't have a lot of staff.  
220 00:09:35.340 --> 00:09:38.040 But again, they indicated, obviously front and  
center,  
221 00:09:38.040 --> 00:09:41.790 climate change, energy, health, housing, legacy  
pollution,  
222 00:09:41.790 --> 00:09:43.743 transportation, water, wastewater,  
223 00:09:44.704 --> 00:09:45.537 workforce development,  
224 00:09:45.537 --> 00:09:48.360 common themes of what this administration  
is doing  
225 00:09:48.360 --> 00:09:50.370 to deal not only with climate mitigation,  
226 00:09:50.370 --> 00:09:52.770 but also climate adaptation.  
227 00:09:52.770 --> 00:09:55.920 For me, the most exciting new tool is what  
HHS  
228 00:09:55.920 --> 00:09:58.980 has just recently released in the last few  
months,  
229 00:09:58.980 --> 00:10:03.780 which is once again really zeroing in on the  
public health,  
230 00:10:03.780 --> 00:10:08.010 human health aspect of climate and environ-  
mental injustices.  
231 00:10:08.010 --> 00:10:10.673 And it is declared as the first tool  
232 00:10:10.673 --> 00:10:14.010 that's gonna be looking at the cumulative  
impact.

233 00:10:14.010 --> 00:10:15.960 And they're looking at three different modules,  
234 00:10:15.960 --> 00:10:19.080 one on the environment, one on social vulner-  
ability,  
235 00:10:19.080 --> 00:10:21.120 and one on health vulnerability.  
236 00:10:21.120 --> 00:10:24.750 And coming from both of the entities in which  
I serve  
237 00:10:24.750 --> 00:10:26.400 with the focus on mental health,  
238 00:10:26.400 --> 00:10:27.780 I'm delighted to say  
239 00:10:27.780 --> 00:10:30.600 that one of the five health vulnerabilities  
240 00:10:30.600 --> 00:10:31.710 is mental health.  
241 00:10:31.710 --> 00:10:33.633 And I think as we're seeing in the field of  
climate  
242 00:10:33.633 --> 00:10:37.680 with climate anxiety and the extension of that  
243 00:10:37.680 --> 00:10:40.320 into the EJ lens of climate anxiety,  
244 00:10:40.320 --> 00:10:43.047 that is a very, very, very powerful new tool  
245 00:10:43.047 --> 00:10:47.347 and a very powerful statement coming out of  
the US HHS.  
246 00:10:49.062 --> 00:10:52.920 We have our federal mapping tools,  
247 00:10:52.920 --> 00:10:54.060 we now have three,  
248 00:10:54.060 --> 00:10:55.530 we have huge amounts of money  
249 00:10:55.530 --> 00:10:57.690 going into these mapping tools.  
250 00:10:57.690 --> 00:10:59.880 Well, the states have actually dwarfed  
251 00:10:59.880 --> 00:11:01.680 what the Feds are doing.  
252 00:11:01.680 --> 00:11:06.210 In fact, California predated EJ Screen and  
now,  
253 00:11:06.210 --> 00:11:10.140 and this was a 2021 mapping,  
254 00:11:10.140 --> 00:11:15.091 but we can see that states are taking action,  
255 00:11:15.091 --> 00:11:19.530 and I don't even wanna say in addition to  
what the Feds  
256 00:11:19.530 --> 00:11:22.830 are doing because they're taking different  
approaches.  
257 00:11:22.830 --> 00:11:27.830 But we have some exciting tools in the next  
slide,

258 00:11:28.080 --> 00:11:30.360 I'm gonna get into the nuances,  
259 00:11:30.360 --> 00:11:33.450 but I wanted to highlight the fact  
260 00:11:33.450 --> 00:11:35.220 that right now the state of Connecticut,  
261 00:11:35.220 --> 00:11:38.960 with the Department of Energy and Environ-  
mental Protection,  
262 00:11:38.960 --> 00:11:41.400 is developing its own mapping tool  
263 00:11:41.400 --> 00:11:43.350 and they're doing their beta testing now,  
264 00:11:43.350 --> 00:11:45.120 and there'll be a window of opportunity  
265 00:11:45.120 --> 00:11:50.120 for you to participate in its review and adap-  
tation,  
266 00:11:50.730 --> 00:11:52.980 so I would strongly encourage you to do that.  
267 00:11:54.360 --> 00:11:56.400 From the policy and equity lens,  
268 00:11:56.400 --> 00:11:58.710 what I really wanna emphasize is,  
269 00:11:58.710 --> 00:12:03.540 alright, well now we have such an important  
opportunity  
270 00:12:03.540 --> 00:12:05.100 to assess the sea state,  
271 00:12:05.100 --> 00:12:07.770 to assess what's going on in the communities.  
272 00:12:07.770 --> 00:12:09.180 The question then becomes, well,  
273 00:12:09.180 --> 00:12:11.400 what are we gonna do with this information?  
274 00:12:11.400 --> 00:12:13.530 And again, coming back to some of the ques-  
tions  
275 00:12:13.530 --> 00:12:18.106 that you also astutely presented in advance  
of this class,  
276 00:12:18.106 --> 00:12:19.830 what is EPA gonna do  
277 00:12:19.830 --> 00:12:22.470 now that we've got environmental justice es-  
tablished  
278 00:12:22.470 --> 00:12:24.150 as a major priority?  
279 00:12:24.150 --> 00:12:27.000 And with my career at EPA,  
280 00:12:27.000 --> 00:12:28.200 I actually jumped in  
281 00:12:28.200 --> 00:12:30.510 at the tail end of the Bush administration  
282 00:12:30.510 --> 00:12:32.262 because there's a carryover,  
283 00:12:32.262 --> 00:12:33.960 elections are in November,  
284 00:12:33.960 --> 00:12:36.690 the new administration starts in January,

285 00:12:36.690 --> 00:12:39.000 and then it takes time for some of these people to leave.

286 00:12:39.000 --> 00:12:40.500 So I got a little bit of that lens

287 00:12:40.500 --> 00:12:42.630 from the Bush administration, then I had the Obama,

288 00:12:42.630 --> 00:12:45.270 and then I stayed with the Trump just to annoy them

289 00:12:45.270 --> 00:12:49.143 and kind of get bloody fingerprints and paper trails.

290 00:12:50.040 --> 00:12:51.660 But the conversation has been,

291 00:12:51.660 --> 00:12:54.180 we're doing a really good job on diagnosing the problem,

292 00:12:54.180 --> 00:12:55.860 we're getting better and better about that.

293 00:12:55.860 --> 00:12:58.560 But then what does that mean for the community?

294 00:12:58.560 --> 00:13:02.670 And actually last Monday, or maybe it was last Tuesday,

295 00:13:02.670 --> 00:13:06.600 I participated with DEEP in its beta testing of its new tool

296 00:13:06.600 --> 00:13:07.743 in Bridgeport, Connecticut,

297 00:13:07.743 --> 00:13:09.560 in a community that I'll be telling you more about

298 00:13:09.560 --> 00:13:10.860 in the future.

299 00:13:10.860 --> 00:13:12.900 But after they went through the beta test,

300 00:13:12.900 --> 00:13:14.850 these were some of the profound remarks.

301 00:13:14.850 --> 00:13:17.070 And the first was, "Well, now I know what it means.

302 00:13:17.070 --> 00:13:17.950 I'm gonna die

303 00:13:18.830 --> 00:13:21.693 and I'm gonna die faster than my white neighbors,

304 00:13:22.840 --> 00:13:24.180 'cause we know that Bridgeport is in Fairfield County,

305 00:13:24.180 --> 00:13:27.177 which has the highest income disparity in the nation."

306 00:13:28.020 --> 00:13:29.077 One person also said,

307 00:13:29.077 --> 00:13:31.200 "Well, I really can't see where my address is  
308 00:13:31.200 --> 00:13:32.310 because it's too dark."  
309 00:13:32.310 --> 00:13:35.310 That's because there were so many layers of  
the dark colors,  
310 00:13:35.310 --> 00:13:37.410 which means you have the highest risk.  
311 00:13:37.410 --> 00:13:38.797 And the ultimate walkaway was,  
312 00:13:38.797 --> 00:13:41.220 "Okay, so now that we know we're gonna die  
sooner,  
313 00:13:41.220 --> 00:13:43.290 now we know that we have 10 layers of risk,  
314 00:13:43.290 --> 00:13:45.300 which means I can't even see my street ad-  
dress.  
315 00:13:45.300 --> 00:13:46.437 What's gonna happen?"  
316 00:13:47.610 --> 00:13:48.443 And there's radio silence, right?  
317 00:13:48.443 --> 00:13:49.920 What are we gonna be doing about it?  
318 00:13:49.920 --> 00:13:52.170 And so I think when we look at the mapping  
tools,  
319 00:13:52.170 --> 00:13:53.250 and again, for you,  
320 00:13:53.250 --> 00:13:55.680 because you're at the start of your career,  
321 00:13:55.680 --> 00:13:59.100 this is a chance for you to get embedded at  
the front end,  
322 00:13:59.100 --> 00:14:02.642 change the Connecticut EJ mapping tool.  
323 00:14:02.642 --> 00:14:05.024 And you've got amazing staff at DEEP,  
324 00:14:05.024 --> 00:14:05.857 you've got an amazing EJ coordinator,  
325 00:14:05.857 --> 00:14:07.860 so you've got a very receptive audience.  
326 00:14:07.860 --> 00:14:09.870 But we've gotta look at the fact  
327 00:14:09.870 --> 00:14:11.847 that so many of these tools, not all of 'em,  
328 00:14:11.847 --> 00:14:15.630 but so many really are servicing the  
researchers,  
329 00:14:15.630 --> 00:14:18.121 their serving the grant writers,  
330 00:14:18.121 --> 00:14:19.500 the organizations external to the community,  
331 00:14:19.500 --> 00:14:20.700 and we have to confront that.  
332 00:14:20.700 --> 00:14:23.220 We have to confront how much money's being  
put in

333 00:14:23.220 --> 00:14:25.380 and who is that supporting?  
334 00:14:25.380 --> 00:14:28.950 It's also from a very pragmatic perspective,  
335 00:14:28.950 --> 00:14:30.450 don't bring in the community  
336 00:14:30.450 --> 00:14:33.690 that should be the primary beneficiary at the  
backend.  
337 00:14:33.690 --> 00:14:35.730 Bring them in at the front end.  
338 00:14:35.730 --> 00:14:40.590 Also, it's looking at that lack of gap  
339 00:14:40.590 --> 00:14:43.680 between the data findings and some policies.  
340 00:14:43.680 --> 00:14:46.470 I wanna give a huge shout out to the state of  
New Jersey  
341 00:14:46.470 --> 00:14:48.720 because their EJ mapping tool,  
342 00:14:48.720 --> 00:14:49.553 I see you smiling?  
343 00:14:49.553 --> 00:14:50.790 Are you from New Jersey?  
344 00:14:50.790 --> 00:14:52.020 Good for you.  
345 00:14:52.020 --> 00:14:56.670 Actually uses its mapping tools as a decisional,  
346 00:14:56.670 --> 00:14:58.560 not a predecisional, not to inform,  
347 00:14:58.560 --> 00:15:02.280 but help decide whether certain types of facil-  
ities  
348 00:15:02.280 --> 00:15:03.840 can be permitted in that area.  
349 00:15:03.840 --> 00:15:05.910 That is huge, that is precedent-setting.  
350 00:15:05.910 --> 00:15:07.410 We need that in the state of Connecticut,  
351 00:15:07.410 --> 00:15:10.773 and you guys can champion that as one of  
your things to do.  
352 00:15:11.779 --> 00:15:14.280 And then like I said, above all, it's a huge  
opportunity.  
353 00:15:14.280 --> 00:15:16.680 It's a huge playing field for you to get engaged  
354 00:15:16.680 --> 00:15:18.753 in policy and policy methods.  
355 00:15:20.610 --> 00:15:24.060 So that's understanding the sea state of what's  
happening  
356 00:15:24.060 --> 00:15:26.460 in the communities, what's happening with  
climate,  
357 00:15:26.460 --> 00:15:28.020 who's getting impacted,  
358 00:15:28.020 --> 00:15:29.550 where you might find some beachheads

359 00:15:29.550 --> 00:15:31.023 and toeholds to get involved.  
360 00:15:32.272 --> 00:15:33.330 Now I wanna switch,  
361 00:15:33.330 --> 00:15:35.820 going beyond the who of climate equity,  
362 00:15:35.820 --> 00:15:38.520 I wanna talk about the coordinates.  
363 00:15:38.520 --> 00:15:41.100 When we set sail off the northwest corner of Spain,  
364 00:15:41.100 --> 00:15:43.908 we just couldn't say we wanted to get to Madeira.  
365 00:15:43.908 --> 00:15:44.940 I had to have the latitude and longitude  
366 00:15:44.940 --> 00:15:47.220 'cause if we didn't have the latitude and longitude,  
367 00:15:47.220 --> 00:15:49.800 we would've ended up maybe in the Canary Island  
368 00:15:49.800 --> 00:15:51.510 or some other island.  
369 00:15:51.510 --> 00:15:56.490 But even though this is basic civics,  
370 00:15:56.490 --> 00:16:01.170 and I'm sure that you learned this a long time ago,  
371 00:16:01.170 --> 00:16:04.650 you have to pull that back up and let that be your chart.  
372 00:16:04.650 --> 00:16:08.864 And the key is to understand the decision makers  
373 00:16:08.864 --> 00:16:10.350 to begin with.  
374 00:16:10.350 --> 00:16:13.470 Because again, in policy from the academic lens,  
375 00:16:13.470 --> 00:16:17.040 too much of the time is spent at the congressional level,  
376 00:16:17.040 --> 00:16:21.720 which makes the legislation set the appropriations,  
377 00:16:21.720 --> 00:16:23.670 but it doesn't have the details.  
378 00:16:23.670 --> 00:16:25.470 And the details and implementation  
379 00:16:25.470 --> 00:16:27.540 come out of the executive branch.  
380 00:16:27.540 --> 00:16:29.220 And within the executive branch,  
381 00:16:29.220 --> 00:16:30.180 you have the president

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,

405 00:17:25.710 --> 00:17:28.830 with the complexity of climate policy,  
406 00:17:28.830 --> 00:17:31.530 you have to understand not just the levels of  
government  
407 00:17:31.530 --> 00:17:32.880 and where that action is taken,  
408 00:17:32.880 --> 00:17:36.411 but the interrelationship between those levels  
of government  
409 00:17:36.411 --> 00:17:38.730 because the lines between federal, state, and  
local  
410 00:17:38.730 --> 00:17:39.563 are dotted.  
411 00:17:39.563 --> 00:17:41.250 They're not bright lines,  
412 00:17:41.250 --> 00:17:42.570 but there are certain pieces,  
413 00:17:42.570 --> 00:17:44.700 certain rules of the road that you need to  
understand  
414 00:17:44.700 --> 00:17:47.103 when you're trying to navigate that.  
415 00:17:47.103 --> 00:17:49.694 Number one, that the federal government  
416 00:17:49.694 --> 00:17:50.527 and the state government  
417 00:17:50.527 --> 00:17:51.900 uses the same branches of government,  
418 00:17:51.900 --> 00:17:55.350 with the executive, the administrative,  
419 00:17:55.350 --> 00:17:58.230 you've got the legislative and the judicial.  
420 00:17:58.230 --> 00:18:00.240 It's also important to be familiar  
421 00:18:00.240 --> 00:18:02.550 with the constitutional supremacy clause  
422 00:18:02.550 --> 00:18:05.820 and which authority takes priority, knowing,  
423 00:18:05.820 --> 00:18:08.010 and given that the federal law  
424 00:18:08.010 --> 00:18:10.920 generally preempts the state law, but there  
are exceptions,  
425 00:18:10.920 --> 00:18:13.323 but you need to understand that playing field.  
426 00:18:14.160 --> 00:18:15.510 It's also important to know  
427 00:18:15.510 --> 00:18:18.120 that the federal government usually sets the  
floor,  
428 00:18:18.120 --> 00:18:19.170 not the ceiling.  
429 00:18:19.170 --> 00:18:20.940 And states can be more protective,  
430 00:18:20.940 --> 00:18:22.650 and that's where you get that dynamic  
431 00:18:22.650 --> 00:18:25.530 between touching the local power structure

432 00:18:25.530 --> 00:18:27.600 with the local voice.  
433 00:18:27.600 --> 00:18:29.940 And then also a very important part,  
434 00:18:29.940 --> 00:18:31.320 and I use this quite a lot  
435 00:18:31.320 --> 00:18:33.090 in my old public interest law days,  
436 00:18:33.090 --> 00:18:36.720 is that the federal laws give EPA the authority  
437 00:18:36.720 --> 00:18:39.060 to delegate programs to the state.  
438 00:18:39.060 --> 00:18:40.567 And so not only do you have to say,  
439 00:18:40.567 --> 00:18:43.620 "Well, who is the primary decision maker  
being the state?"  
440 00:18:43.620 --> 00:18:45.510 When the state doesn't do what it's supposed  
to do,  
441 00:18:45.510 --> 00:18:47.368 you need to know who to go to  
442 00:18:47.368 --> 00:18:49.620 and that brings you back to the federal level  
of government.  
443 00:18:49.620 --> 00:18:51.919 Like I said, this is basic civics,  
444 00:18:51.919 --> 00:18:56.610 but this understanding just produces so many  
ripe  
445 00:18:56.610 --> 00:18:59.580 and rich opportunities to move policy,  
446 00:18:59.580 --> 00:19:01.503 to get to the outcomes that we want.  
447 00:19:03.720 --> 00:19:05.730 Again, basic civics,  
448 00:19:05.730 --> 00:19:07.920 but it's really important to understand  
449 00:19:07.920 --> 00:19:10.350 the types of legal authorities out there  
450 00:19:10.350 --> 00:19:13.618 recognizing that legal authorities are policy.  
451 00:19:13.618 --> 00:19:17.490 The two are not separated.  
452 00:19:17.490 --> 00:19:18.750 And when you look at  
453 00:19:18.750 --> 00:19:21.870 the different types of legal authorities,  
454 00:19:21.870 --> 00:19:23.677 you can also need to say,  
455 00:19:23.677 --> 00:19:26.370 "Well, where does this authority come from?"  
456 00:19:26.370 --> 00:19:27.930 Does it come from Congress?  
457 00:19:27.930 --> 00:19:30.570 Does it come from the executive branch with  
the agency?  
458 00:19:30.570 --> 00:19:32.220 Does it come from the courts?

459 00:19:32.220 --> 00:19:34.470 And it's also important to think about which of these

460 00:19:34.470 --> 00:19:36.540 are judicially enforceable,

461 00:19:36.540 --> 00:19:39.673 and when do you have to apply the arbitrary

462 00:19:39.673 --> 00:19:41.460 and capricious clause

463 00:19:41.460 --> 00:19:45.781 or when can you use numbers of the voice of the public,

464 00:19:45.781 --> 00:19:47.673 the political wins.

465 00:19:48.533 --> 00:19:51.017 I'll be going over more of these

466 00:19:51.017 --> 00:19:53.130 as I talk about the specifics.

467 00:19:53.130 --> 00:19:54.870 But in general,

468 00:19:54.870 --> 00:19:57.270 when you look at the enforceability,

469 00:19:57.270 --> 00:20:01.214 constitutions, statutes, rules and regulations

470 00:20:01.214 --> 00:20:03.390 are judicially enforceable.

471 00:20:03.390 --> 00:20:06.480 That's where you have your checks and balances.

472 00:20:06.480 --> 00:20:07.680 Generally speaking,

473 00:20:07.680 --> 00:20:10.560 executive orders are not judicially enforceable

474 00:20:10.560 --> 00:20:14.460 unless they are carrying a statute with them.

475 00:20:14.460 --> 00:20:16.710 And NEPA is a perfect example of where

476 00:20:16.710 --> 00:20:18.960 an environmental justice analysis,

477 00:20:18.960 --> 00:20:21.870 under the executive order on environmental justice

478 00:20:21.870 --> 00:20:23.250 can be judicially enforceable

479 00:20:23.250 --> 00:20:25.350 when the decision comes in under NEPA.

480 00:20:25.350 --> 00:20:26.730 And then you have to be mindful

481 00:20:26.730 --> 00:20:30.060 of the different court decisions.

482 00:20:30.060 --> 00:20:32.850 One of the nuances and the experience

483 00:20:32.850 --> 00:20:35.040 that I had under the Obama administration

484 00:20:35.040 --> 00:20:38.560 is despite the political interest

485 00:20:38.560 --> 00:20:41.460 and maybe will to put forth

486 00:20:41.460 --> 00:20:46.460 some really aggressive provisions, Biden's policy reports,

487 00:20:47.040 --> 00:20:51.450 the politics meant that most things did not go

488 00:20:51.450 --> 00:20:55.470 from that unenforceable to that enforceable realm,

489 00:20:55.470 --> 00:20:56.910 and most of the good thinking

490 00:20:56.910 --> 00:20:58.950 was then labeled under reports.

491 00:20:58.950 --> 00:21:01.320 And so we had to find ways to work around that,

492 00:21:01.320 --> 00:21:02.870 and I'll talk about that later.

493 00:21:03.799 --> 00:21:05.430 But again, always be mindful of,

494 00:21:05.430 --> 00:21:06.840 what is the type of authority,

495 00:21:06.840 --> 00:21:08.310 who is responsible for it,

496 00:21:08.310 --> 00:21:11.673 and what is the accountability for implementing that?

497 00:21:13.980 --> 00:21:16.980 Another point, again, this is the appetizer here, right?

498 00:21:16.980 --> 00:21:19.863 Or I don't know what other analogy you may use,

499 00:21:20.909 --> 00:21:24.150 but in addition to knowing the whom,

500 00:21:24.150 --> 00:21:27.180 and in addition to knowing the types of laws,

501 00:21:27.180 --> 00:21:32.100 the policy framework for the federal government

502 00:21:32.100 --> 00:21:33.360 and the executive branch

503 00:21:33.360 --> 00:21:36.270 where most of the depth of the work is undertaken

504 00:21:36.270 --> 00:21:39.420 is governed by administrative law,

505 00:21:39.420 --> 00:21:43.230 which is the branch of law that deals with the creation

506 00:21:43.230 --> 00:21:45.600 as well as the operation of the agencies,

507 00:21:45.600 --> 00:21:47.660 and the statute that governs this

508 00:21:47.660 --> 00:21:50.452 is the Administrative Procedures Act.

509 00:21:50.452 --> 00:21:55.240 Again, it could be a whole course on the APA,

510 00:21:56.457 --> 00:22:01.457 but that sets up provisions explaining how to do rulemaking,

511 00:22:01.948 --> 00:22:05.400 how to do permitting, how to do enforcement.

512 00:22:05.400 --> 00:22:06.233 And so again,

513 00:22:06.233 --> 00:22:10.200 when you're diving deep into the policy development

514 00:22:10.200 --> 00:22:12.210 or the policy challenging it,

515 00:22:12.210 --> 00:22:14.613 then you have to understand the APA.

516 00:22:15.668 --> 00:22:20.668 It's common knowledge that the law sets a broad scope of it,

517 00:22:23.850 --> 00:22:25.260 but it gives that agency

518 00:22:25.260 --> 00:22:27.960 that broad discretion to dive deeper.

519 00:22:27.960 --> 00:22:31.230 And this is again a space of really active practice

520 00:22:31.230 --> 00:22:32.943 on policy.

521 00:22:33.797 --> 00:22:35.619 As I mentioned before,

522 00:22:35.619 --> 00:22:38.820 not only do you have to know what the law says,

523 00:22:38.820 --> 00:22:42.690 you have to know how to legally work around any roadblocks

524 00:22:42.690 --> 00:22:44.160 that you get because of politics

525 00:22:44.160 --> 00:22:46.500 that are particular to the agency.

526 00:22:46.500 --> 00:22:48.660 But just keep that in mind

527 00:22:48.660 --> 00:22:51.933 as you're navigating the policy methods.

528 00:22:53.190 --> 00:22:58.190 So again, what we have here is you have your sea state,

529 00:22:59.100 --> 00:23:00.810 you know the conditions in the community,

530 00:23:00.810 --> 00:23:03.000 you now know your coordinates, your latitude, longitude,

531 00:23:03.000 --> 00:23:04.440 the decision and the decision makers

532 00:23:04.440 --> 00:23:06.240 on how they're operating.

533 00:23:06.240 --> 00:23:08.880 So the next level that you're gonna jump into

534 00:23:08.880 --> 00:23:10.710 is this rhumb line.

535 00:23:10.710 --> 00:23:14.880 And when I was on that boat in the North Atlantic

536 00:23:14.880 --> 00:23:17.017 with a hurricane, they said,

537 00:23:17.017 --> 00:23:19.299 "We've gotta do the rhumb line."

538 00:23:19.299 --> 00:23:21.000 Well, I thought that meant we were gonna have happy hour

539 00:23:21.000 --> 00:23:22.830 because it was a pretty rough trip,

540 00:23:22.830 --> 00:23:26.232 we ran into a rogue wave that went 20 feet into the air.

541 00:23:26.232 --> 00:23:27.503 But a rhumb line is not that.

542 00:23:28.456 --> 00:23:30.819 The rhumb line is basically those points

543 00:23:30.819 --> 00:23:34.380 literally on the Earth

544 00:23:34.380 --> 00:23:35.970 that you're gonna set your course,

545 00:23:35.970 --> 00:23:38.100 and it's gonna guide you from your point

546 00:23:38.100 --> 00:23:40.650 that you wanna get to, to where you need to be.

547 00:23:40.650 --> 00:23:44.662 And I'm sure you know this, I could ask this as a question,

548 00:23:44.662 --> 00:23:48.120 but there is no climate justice law.

549 00:23:48.120 --> 00:23:50.970 There is no one law that's considered climate.

550 00:23:50.970 --> 00:23:53.640 It reminds me of what happened with our drinking water

551 00:23:53.640 --> 00:23:56.653 and our groundwater

552 00:23:56.653 --> 00:23:58.380 because there is no law

553 00:23:58.380 --> 00:24:00.810 that's designed to protect the groundwater.

554 00:24:00.810 --> 00:24:04.470 So it's important to start from that position

555 00:24:04.470 --> 00:24:08.910 because that means that climate justice, climate equity,

556 00:24:08.910 --> 00:24:11.820 climate change law is really a patchwork

557 00:24:11.820 --> 00:24:15.690 of a whole range of authorities enforceable,

558 00:24:15.690 --> 00:24:17.400 non-enforceable.

559 00:24:17.400 --> 00:24:19.620 The bad news is there's a lot to cover,

560 00:24:19.620 --> 00:24:21.750 the good news is there's a lot to choose from.

561 00:24:21.750 --> 00:24:23.610 There's a lot of opportunity to harvest,  
562 00:24:23.610 --> 00:24:25.260 to patch together what you wanna do  
563 00:24:25.260 --> 00:24:26.913 to get to your destination.  
564 00:24:27.780 --> 00:24:29.967 There has been a bill filed,  
565 00:24:29.967 --> 00:24:32.400 the Climate Justice Act in 2021,  
566 00:24:32.400 --> 00:24:35.820 just like numerable environmental justice laws  
567 00:24:35.820 --> 00:24:38.010 that were filed over the course of the decades,  
568 00:24:38.010 --> 00:24:40.203 but none of them ever got adopted,  
569 00:24:41.062 --> 00:24:42.462 but you just keep moving on.  
570 00:24:45.460 --> 00:24:48.030 So when we think of the rhumb line,  
571 00:24:48.030 --> 00:24:49.440 those points on the map  
572 00:24:49.440 --> 00:24:52.394 that are gonna help get us to our destination,  
573 00:24:52.394 --> 00:24:56.820 and when we think of climate equity specifically,  
574 00:24:56.820 --> 00:24:59.520 but it also has broader applicability,  
575 00:24:59.520 --> 00:25:01.200 we do need to start  
576 00:25:01.200 --> 00:25:03.630 with the authorities for environmental justice  
577 00:25:03.630 --> 00:25:06.330 because this administration has married the two,  
578 00:25:06.330 --> 00:25:08.250 they haven't separated them.  
579 00:25:08.250 --> 00:25:12.918 And so I was gonna do a little bit of a run-through  
580 00:25:12.918 --> 00:25:14.636 on these authorities,  
581 00:25:14.636 --> 00:25:17.100 even though some of them are historical  
582 00:25:17.100 --> 00:25:20.391 and they've been added on to by the Biden administration.  
583 00:25:20.391 --> 00:25:22.650 The executive order on environmental justice  
584 00:25:22.650 --> 00:25:24.990 signed by President Clinton in 1994  
585 00:25:24.990 --> 00:25:28.830 really is that architecture for doing environmental justice  
586 00:25:28.830 --> 00:25:31.110 even with the new executive orders.  
587 00:25:31.110 --> 00:25:34.080 And the action-inducing provision

588 00:25:34.080 --> 00:25:37.331 for Executive Order 12898,  
589 00:25:37.331 --> 00:25:41.280 the action-inducing is the identification  
590 00:25:41.280 --> 00:25:43.510 and the addressing of a disproportionately  
591 00:25:44.371 --> 00:25:46.980 high and adverse human health or environ-  
mental effects,  
592 00:25:46.980 --> 00:25:48.210 so that's the action-inducing piece.  
593 00:25:48.210 --> 00:25:52.369 But what's really important is that it's not  
just EPA,  
594 00:25:52.369 --> 00:25:53.580 and too many people have limited their focus  
595 00:25:53.580 --> 00:25:56.520 on environmental justice and climate justice  
on EPA,  
596 00:25:56.520 --> 00:25:58.170 it's all the federal departments.  
597 00:25:59.005 --> 00:26:01.380 There were 17 different departments that I  
worked with  
598 00:26:01.380 --> 00:26:03.630 and that it's their policies, their programs,  
599 00:26:03.630 --> 00:26:06.630 it's all of their activities looking at minority  
600 00:26:06.630 --> 00:26:07.980 and low-income populations.  
601 00:26:07.980 --> 00:26:11.610 Well, that was the language used in '94,  
602 00:26:11.610 --> 00:26:13.560 it's been updated, but it also included tribal  
603 00:26:13.560 --> 00:26:15.123 and indigenous communities.  
604 00:26:17.011 --> 00:26:18.660 The executive order on its face  
605 00:26:18.660 --> 00:26:19.860 is not judicially enforceable  
606 00:26:19.860 --> 00:26:21.570 unless it's applied to another statute.  
607 00:26:21.570 --> 00:26:24.750 But the design of the executive orders we're  
seeing today  
608 00:26:24.750 --> 00:26:26.343 use that same framework.  
609 00:26:29.280 --> 00:26:33.479 But perhaps more powerful than the executive  
order  
610 00:26:33.479 --> 00:26:36.240 was the presidential proclamation  
611 00:26:36.240 --> 00:26:38.430 accompanying the executive order.  
612 00:26:38.430 --> 00:26:41.601 And the presidential memorandum  
613 00:26:41.601 --> 00:26:44.910 accompanied the executive order said

614 00:26:44.910 --> 00:26:47.550 that while executive orders aren't judicially enforceable,

615 00:26:47.550 --> 00:26:51.300 your power to enforce is through our environmental laws.

616 00:26:51.300 --> 00:26:53.820 And the president advised and directed

617 00:26:53.820 --> 00:26:55.420 all the agencies to consider

618 00:26:56.610 --> 00:26:58.571 these existing environmental laws,

619 00:26:58.571 --> 00:27:00.360 as well as the civil rights law,

620 00:27:00.360 --> 00:27:02.760 plus your Freedom of Information Act,

621 00:27:02.760 --> 00:27:04.560 other statutes like that

622 00:27:04.560 --> 00:27:07.620 to address the environmental hazards in the community.

623 00:27:07.620 --> 00:27:10.140 And so as a little bit of a pause button

624 00:27:10.140 --> 00:27:11.533 and a commercial break,

625 00:27:11.533 --> 00:27:13.940 I talked to Rob and I've talked to Kai about this

626 00:27:13.940 --> 00:27:16.650 is the creation of your own grab and go bag.

627 00:27:16.650 --> 00:27:18.750 I dunno if y'all saw the UN report last week

628 00:27:18.750 --> 00:27:20.310 when they talked about a survival kit,

629 00:27:20.310 --> 00:27:21.420 but we were ahead of that.

630 00:27:21.420 --> 00:27:24.159 Each of you needs to have your own grab and go bag.

631 00:27:24.159 --> 00:27:25.261 That's what we have to have on a boat

632 00:27:25.261 --> 00:27:26.190 when it gets ready to sink, right?

633 00:27:26.190 --> 00:27:28.710 So you need to prepare your own grab and go bag.

634 00:27:28.710 --> 00:27:30.840 But in this particular instance,

635 00:27:30.840 --> 00:27:33.090 it's looking at executive orders,

636 00:27:33.090 --> 00:27:36.630 it's looking at presidential memorandum like this one,

637 00:27:36.630 --> 00:27:39.521 it's also this presidential proclamations.

638 00:27:39.521 --> 00:27:42.240 And I wrote several of these, didn't get adopted,

639 00:27:42.240 --> 00:27:44.640 but I wrote 'em, but at least I had that game plan

640 00:27:44.640 --> 00:27:46.350 and then persuasive authority.

641 00:27:46.350 --> 00:27:48.180 So you need to be thinking about that.

642 00:27:48.180 --> 00:27:53.180 So with that emphasis on environmental justice authorities,

643 00:27:55.694 --> 00:27:56.970 this is the suite of environmental laws

644 00:27:56.970 --> 00:28:01.500 that we have at our disposal to craft the vessel

645 00:28:01.500 --> 00:28:04.080 that's gonna take us to climate equity.

646 00:28:04.080 --> 00:28:06.277 And when you look at these laws,

647 00:28:06.277 --> 00:28:08.730 there's a couple of ways to cluster them

648 00:28:08.730 --> 00:28:09.990 to kind of navigate it.

649 00:28:09.990 --> 00:28:13.470 Obviously the first is, well, what resource does it address?

650 00:28:13.470 --> 00:28:16.200 You've got the Clean Air Act, obviously air,

651 00:28:16.200 --> 00:28:19.890 then you have two that are dealing with water,

652 00:28:19.890 --> 00:28:23.970 Clean Water Act, which deals with surface water protection,

653 00:28:23.970 --> 00:28:25.462 and Safe Drinking Water Act,

654 00:28:25.462 --> 00:28:27.562 which is not a groundwater protection statute.

655 00:28:27.562 --> 00:28:28.470 It deals with underground injection

656 00:28:28.470 --> 00:28:32.313 and it deals with public water supply systems.

657 00:28:33.159 --> 00:28:38.079 Both of those have huge opportunities for policy levers

658 00:28:38.079 --> 00:28:39.930 for climate.

659 00:28:39.930 --> 00:28:42.210 I'll talk a little bit more later,

660 00:28:42.210 --> 00:28:43.920 one of my favorite statutes, NEPA,

661 00:28:43.920 --> 00:28:45.150 and I loved all the questions

662 00:28:45.150 --> 00:28:47.422 that y'all were asking about that.

663 00:28:47.422 --> 00:28:48.900 Those are spot on questions.

664 00:28:48.900 --> 00:28:51.750 Then you have a series of laws that are designed to deal

665 00:28:51.750 --> 00:28:53.520 with land pollution,

666 00:28:53.520 --> 00:28:55.410 with the Resource Conservation Recovery Act,  
667 00:28:55.410 --> 00:29:00.060 that's regulating the ongoing operation of  
facilities  
668 00:29:00.060 --> 00:29:03.369 that treat, store, dispose of hazardous mate-  
rials.  
669 00:29:03.369 --> 00:29:04.597 And one may say,  
670 00:29:04.597 --> 00:29:06.330 "Does this have anything to do with climate?"  
671 00:29:06.330 --> 00:29:07.770 It has everything to do with climate  
672 00:29:07.770 --> 00:29:09.000 because when you have a storm event,  
673 00:29:09.000 --> 00:29:10.740 guess where that stuff is going?  
674 00:29:10.740 --> 00:29:13.830 Same with the CERCLA, which deals with  
superfund,  
675 00:29:13.830 --> 00:29:15.630 the past contamination.  
676 00:29:15.630 --> 00:29:17.820 And then today we have actually  
677 00:29:17.820 --> 00:29:21.060 several different Brownfields laws,  
678 00:29:21.060 --> 00:29:23.703 which is fundamental to climate adaptation.  
679 00:29:24.591 --> 00:29:27.517 My last example will be us telling you how  
we're doing that.  
680 00:29:27.517 --> 00:29:29.430 And then you've got some more of the process  
laws  
681 00:29:29.430 --> 00:29:32.370 dealing with right to know the releases,  
682 00:29:32.370 --> 00:29:34.260 emergency response notification,  
683 00:29:34.260 --> 00:29:36.450 who is the team of people that need to be in  
place  
684 00:29:36.450 --> 00:29:39.780 so that people can get notified when there is  
a storm event,  
685 00:29:39.780 --> 00:29:42.510 when there's a release, so on and so forth.  
686 00:29:42.510 --> 00:29:45.750 With TSCA, it deals with lead, it deals with  
PCPs,  
687 00:29:45.750 --> 00:29:47.910 another important statute.  
688 00:29:47.910 --> 00:29:50.768 And then obviously the pesticide law,  
689 00:29:50.768 --> 00:29:52.530 which is important  
690 00:29:52.530 --> 00:29:55.230 because some of the big sources of money  
these days

691 00:29:55.230 --> 00:29:57.450 are coming into agriculture.

692 00:29:57.450 --> 00:30:01.350 Again, after you think about what the laws do,

693 00:30:01.350 --> 00:30:03.660 then you can also think about which of these laws

694 00:30:03.660 --> 00:30:06.210 are appropriate for climate mitigation,

695 00:30:06.210 --> 00:30:09.930 which of them are appropriate for climate adaptation.

696 00:30:09.930 --> 00:30:12.540 We've got some exciting things I'll talk about in a minute

697 00:30:12.540 --> 00:30:14.040 with some of the new laws coming in

698 00:30:14.040 --> 00:30:15.900 that really do amplify the ability

699 00:30:15.900 --> 00:30:20.040 to apply the Clean Air Act and these land laws.

700 00:30:20.040 --> 00:30:24.000 So again, there's a law school career

701 00:30:24.000 --> 00:30:26.031 in just studying those laws,

702 00:30:26.031 --> 00:30:27.930 and I know that's something you'll run into in the future,

703 00:30:27.930 --> 00:30:29.430 but it's exciting and it's fun

704 00:30:29.430 --> 00:30:33.210 because it's a huge amount of policy to access.

705 00:30:33.210 --> 00:30:36.600 And then when you think about your grab and go bag,

706 00:30:36.600 --> 00:30:39.330 not just the executive branch authorities

707 00:30:39.330 --> 00:30:41.580 at the presidential level,

708 00:30:41.580 --> 00:30:44.370 these laws, many of them set up the rules,

709 00:30:44.370 --> 00:30:46.200 the regulations, and the standards.

710 00:30:46.200 --> 00:30:48.465 You've got your Safe Drinking Water Act

711 00:30:48.465 --> 00:30:49.298 with your drinking water standards,

712 00:30:49.298 --> 00:30:51.420 which also apply to your land-based laws

713 00:30:51.420 --> 00:30:53.103 to determine how clean is clean.

714 00:30:53.940 --> 00:30:55.350 You've got permits,

715 00:30:55.350 --> 00:30:57.110 which are basically the policy

716 00:30:57.110 --> 00:31:01.860 and the law governing the site-specific operations,  
717 00:31:01.860 --> 00:31:05.476 and you need to understand their connectivity of the scale.  
718 00:31:05.476 --> 00:31:07.168 But that can have a very direct influence  
719 00:31:07.168 --> 00:31:10.083 on the individual community that's exposed,  
720 00:31:11.109 --> 00:31:11.942 but also, as we know,  
721 00:31:11.942 --> 00:31:14.730 power plants that releases into the atmosphere.  
722 00:31:14.730 --> 00:31:15.873 Interestingly,  
723 00:31:18.238 --> 00:31:21.600 a lot of these laws do provide for advisory councils,  
724 00:31:21.600 --> 00:31:24.690 and I'm very sad to say that the advisory council  
725 00:31:24.690 --> 00:31:26.190 that I served on in the '90s  
726 00:31:26.190 --> 00:31:28.080 for the Safe Drinking Water Act,  
727 00:31:28.080 --> 00:31:30.677 the National Drinking Advisory Council,  
728 00:31:30.677 --> 00:31:34.050 that decision back in the '90s that I lost,  
729 00:31:34.050 --> 00:31:34.980 I lost this battle,  
730 00:31:34.980 --> 00:31:39.510 set in place the Flint Michigan's that we have today  
731 00:31:39.510 --> 00:31:42.270 because we addressed the decision then,  
732 00:31:42.270 --> 00:31:44.370 where do you measure points of compliance?  
733 00:31:44.370 --> 00:31:46.650 Do you measure it at the point of distribution  
734 00:31:46.650 --> 00:31:48.150 or the point of use?  
735 00:31:48.150 --> 00:31:52.350 Because of money, it was set at the point of distribution.  
736 00:31:52.350 --> 00:31:55.170 So they failed to consider the pipes  
737 00:31:55.170 --> 00:31:57.120 and therefore not the point of use,  
738 00:31:57.120 --> 00:32:00.021 which in essence is costing this country  
739 00:32:00.021 --> 00:32:02.940 billions of dollars, communities, and health,  
740 00:32:02.940 --> 00:32:06.210 and that was the policy decision in 1990.  
741 00:32:07.636 --> 00:32:11.070 Those are places for you to get involved

742 00:32:11.070 --> 00:32:13.800 in terms of your policy level as well,  
743 00:32:13.800 --> 00:32:15.690 maybe serving on some of these councils  
744 00:32:15.690 --> 00:32:17.853 or at least tracking what they're doing.  
745 00:32:19.662 --> 00:32:21.810 A couple of other non-regulatory functions,  
746 00:32:21.810 --> 00:32:23.220 which are vitally important, again,  
747 00:32:23.220 --> 00:32:25.874 coming to some of the questions that some-  
body asked  
748 00:32:25.874 --> 00:32:27.900 for the class today  
749 00:32:27.900 --> 00:32:30.450 is there are non-regulatory functions  
750 00:32:30.450 --> 00:32:33.120 and in fact, plan EJ 2014,  
751 00:32:33.120 --> 00:32:36.900 which was the launch of the Biden adminis-  
tration's effort  
752 00:32:36.900 --> 00:32:39.480 to address environmental justice,  
753 00:32:39.480 --> 00:32:40.860 looked at regulatory functions  
754 00:32:40.860 --> 00:32:43.480 and then the non-regulatory function.  
755 00:32:43.480 --> 00:32:46.350 But it's a huge opportunity to not only im-  
plement  
756 00:32:46.350 --> 00:32:47.820 and address climate adaptation,  
757 00:32:47.820 --> 00:32:50.280 you can move that into the policy realm.  
758 00:32:50.280 --> 00:32:52.410 So again, a very exciting realm.  
759 00:32:52.410 --> 00:32:56.013 I could talk for lifetimes on it 'cause it's all  
exciting,  
760 00:32:56.986 --> 00:32:57.819 and I would love to talk with y'all afterwards  
761 00:32:57.819 --> 00:32:58.840 if you have any questions.  
762 00:33:00.300 --> 00:33:03.240 So then you have your environmental statutes.  
763 00:33:03.240 --> 00:33:07.363 Now, what's very exciting is that you have,  
764 00:33:07.363 --> 00:33:09.960 under the Biden administration, a lot more  
action.  
765 00:33:09.960 --> 00:33:11.820 And while under Obama,  
766 00:33:11.820 --> 00:33:13.980 the lead was environmental justice,  
767 00:33:13.980 --> 00:33:17.044 now it's climate and environmental justice.  
768 00:33:17.044 --> 00:33:21.060 You have great quotes by federal agencies

769 00:33:21.060 --> 00:33:23.642 about some of the statutes.

770 00:33:23.642 --> 00:33:25.140 Let me just ask you this,

771 00:33:25.140 --> 00:33:28.020 have y'all looked into the Inflation Reduction Act

772 00:33:28.020 --> 00:33:29.973 or the Bipartisan Infrastructure Law?

773 00:33:31.200 --> 00:33:32.610 Good, 'cause there's huge money

774 00:33:32.610 --> 00:33:34.320 and there's huge authorities

775 00:33:34.320 --> 00:33:37.350 and there are some really exciting, sneaky little things

776 00:33:37.350 --> 00:33:38.370 that were put in the IRA

777 00:33:38.370 --> 00:33:40.500 that a lot of people are paying attention to.

778 00:33:40.500 --> 00:33:42.870 But with the IRA,

779 00:33:42.870 --> 00:33:46.980 it's been touted as the most significant climate legislation

780 00:33:46.980 --> 00:33:48.093 in US history.

781 00:33:49.872 --> 00:33:51.833 This is the big deal on the fact that we got it passed.

782 00:33:52.706 --> 00:33:54.840 Most of the focus has actually been on the funding

783 00:33:54.840 --> 00:33:56.703 coming from that, which is huge.

784 00:33:58.847 --> 00:33:59.970 I know that the American Engineering Society

785 00:33:59.970 --> 00:34:02.280 has been doing report cards of infrastructure

786 00:34:02.280 --> 00:34:05.340 in the country for the last 20 or 30 years.

787 00:34:05.340 --> 00:34:07.470 And routinely, whether it's bridges,

788 00:34:07.470 --> 00:34:10.500 whether it's water infrastructure, you name it,

789 00:34:10.500 --> 00:34:12.240 this country's getting like a D

790 00:34:12.240 --> 00:34:15.270 or maybe a C- if they're doing well.

791 00:34:15.270 --> 00:34:17.070 This is putting money into fixing that,

792 00:34:17.070 --> 00:34:18.840 and it's putting money into fixing that

793 00:34:18.840 --> 00:34:21.660 not so that they continue the same bad approach,

794 00:34:21.660 --> 00:34:24.510 but they fix it to get that multiple benefit for climate.

795 00:34:25.382 --> 00:34:27.600 But you've got funding for energy and electric vehicles,

796 00:34:27.600 --> 00:34:30.993 for energy efficiency, for a climate bank.

797 00:34:32.117 --> 00:34:34.440 I mentioned before that the amount of work going down

798 00:34:34.440 --> 00:34:37.560 in the USDA, the US Department of Agriculture, is huge,

799 00:34:37.560 --> 00:34:39.930 and there are enormous policy opportunities

800 00:34:39.930 --> 00:34:43.470 that are having the multiple benefit of addressing

801 00:34:43.470 --> 00:34:48.390 the release of climate pollutants,

802 00:34:48.390 --> 00:34:50.580 but also getting into that climate equity

803 00:34:50.580 --> 00:34:52.140 and how do you really help those people

804 00:34:52.140 --> 00:34:54.663 who are suffering today.

805 00:34:56.297 --> 00:34:58.680 And then again, a big issue that has been recurrent

806 00:34:58.680 --> 00:35:00.993 since the executive order was signed

807 00:35:00.993 --> 00:35:02.740 was air pollution at the ports

808 00:35:02.740 --> 00:35:03.827 because there's so much pollution,

809 00:35:03.827 --> 00:35:06.677 so much environmental injustice that's taking place,

810 00:35:06.677 --> 00:35:09.593 also very specifically drilling down to equity

811 00:35:11.148 --> 00:35:14.490 with the 3 billion set aside for the equity grant

812 00:35:14.490 --> 00:35:17.460 dealing with transportation, walkability,

813 00:35:17.460 --> 00:35:18.540 lot of transportation things

814 00:35:18.540 --> 00:35:21.660 as well as dealing with the heat island effect.

815 00:35:21.660 --> 00:35:25.184 But one of the sticks that's stuck in the IRA

816 00:35:25.184 --> 00:35:30.184 is the designation of carbon dioxide as an air pollutant.

817 00:35:32.070 --> 00:35:34.290 And I don't know if y'all track that,

818 00:35:34.290 --> 00:35:35.123 but it's interesting

819 00:35:35.123 --> 00:35:36.870 because that one particular topic  
820 00:35:36.870 --> 00:35:39.150 really does touch upon the need to understand,  
821 00:35:39.150 --> 00:35:40.800 well what is congress doing?  
822 00:35:40.800 --> 00:35:41.760 What are the courts doing?  
823 00:35:41.760 --> 00:35:43.830 What are the agencies doing?  
824 00:35:43.830 --> 00:35:45.450 Because under the Obama administration,  
825 00:35:45.450 --> 00:35:47.970 there was an effort to regulate carbon dioxide  
826 00:35:47.970 --> 00:35:49.440 as an air pollutant  
827 00:35:49.440 --> 00:35:53.070 and it was struck down by the US Supreme  
Court,  
828 00:35:53.070 --> 00:35:55.260 but there was a provision put into this law to  
say  
829 00:35:55.260 --> 00:35:57.960 that it was an air pollutant and that's big  
830 00:35:57.960 --> 00:35:59.280 and that's really exciting,  
831 00:35:59.280 --> 00:36:00.810 and that's something that somebody,  
832 00:36:00.810 --> 00:36:03.840 if you wanna do a special project or a paper,  
833 00:36:03.840 --> 00:36:06.420 you could track that whole provision  
834 00:36:06.420 --> 00:36:09.543 because it has such profound influences.  
835 00:36:11.610 --> 00:36:13.320 The next law, like I mentioned,  
836 00:36:13.320 --> 00:36:16.440 is under the Biden administration  
837 00:36:16.440 --> 00:36:19.470 is the bipartisan infrastructure law,  
838 00:36:19.470 --> 00:36:21.693 the Infrastructure Investment and Jobs Act.  
839 00:36:22.590 --> 00:36:27.360 And what's interesting is that this was a law  
840 00:36:27.360 --> 00:36:28.800 that was passed in this timeline  
841 00:36:28.800 --> 00:36:33.800 that gives us \$1.4 trillion to go in and help  
address  
842 00:36:34.410 --> 00:36:38.760 equity, climate equity, prevention for climate  
justice.  
843 00:36:38.760 --> 00:36:42.540 And you can see the full range of investments  
844 00:36:42.540 --> 00:36:47.540 that are being made now today to combat  
climate  
845 00:36:48.720 --> 00:36:52.200 and other challenges that are being faced.

846 00:36:52.200 --> 00:36:54.390 The challenge that we have right now  
847 00:36:54.390 --> 00:36:56.490 is despite all of this money  
848 00:36:56.490 --> 00:36:58.770 and all this money that is intended to go  
849 00:36:58.770 --> 00:37:00.990 to benefit the poorest  
850 00:37:00.990 --> 00:37:03.600 and the most overburdened and underserved,  
851 00:37:03.600 --> 00:37:07.080 there's a huge cliff in getting that money to  
them.  
852 00:37:07.080 --> 00:37:10.080 And it's interesting to see,  
853 00:37:10.080 --> 00:37:13.110 when I was with the administration, again,  
854 00:37:13.110 --> 00:37:14.100 I was pounding the table  
855 00:37:14.100 --> 00:37:16.061 because the focus was on the diagnosis  
856 00:37:16.061 --> 00:37:18.030 and not the treatment.  
857 00:37:18.030 --> 00:37:20.190 And there is a huge recognition  
858 00:37:20.190 --> 00:37:22.380 that they do need to get to the treatment,  
859 00:37:22.380 --> 00:37:24.450 but the challenge that the federal government  
has  
860 00:37:24.450 --> 00:37:26.520 is they don't know what the treatment should  
be.  
861 00:37:26.520 --> 00:37:29.040 And that's why each of you is so important  
862 00:37:29.040 --> 00:37:31.075 because your voice and your ideas  
863 00:37:31.075 --> 00:37:33.480 can really make a difference  
864 00:37:33.480 --> 00:37:35.910 and can help move the ball forward.  
865 00:37:35.910 --> 00:37:37.050 To give you an example  
866 00:37:37.050 --> 00:37:39.480 on the environmental justice piece specifically,  
867 00:37:39.480 --> 00:37:42.480 and I am referring to some of the questions  
that you asked,  
868 00:37:42.480 --> 00:37:46.353 it took from 1994 until the Biden administra-  
tion,  
869 00:37:50.190 --> 00:37:52.413 roughly 26 years,  
870 00:37:54.559 --> 00:37:58.620 that The Office of Environmental Justice had  
\$40 million,  
871 00:37:58.620 --> 00:38:02.259 now they have \$6 billion to spend.  
872 00:38:02.259 --> 00:38:04.260 They're going from 20 years at 40 million

873 00:38:04.260 --> 00:38:08.010 to five years at 6 billion.  
874 00:38:08.010 --> 00:38:09.600 And they need help in spending it,  
875 00:38:09.600 --> 00:38:11.880 and they need help in getting that money  
876 00:38:11.880 --> 00:38:13.800 and those resources to communities.  
877 00:38:13.800 --> 00:38:16.440 And there are some opportunities  
878 00:38:16.440 --> 00:38:18.150 that are gonna be announced very soon  
879 00:38:18.150 --> 00:38:18.983 about setting up  
880 00:38:18.983 --> 00:38:21.160 thriving community technical assistance centers  
881 00:38:22.210 --> 00:38:24.683 and that will be a place to make some of this happen.  
882 00:38:26.126 --> 00:38:30.657 You could come up with examples in each one of these,  
883 00:38:30.657 --> 00:38:33.735 but just for example in terms of water infrastructure,  
884 00:38:33.735 --> 00:38:38.735 there's a lot of work being done by the federal government,  
885 00:38:39.300 --> 00:38:42.227 by EPA, but also by a lot of the associations  
886 00:38:42.227 --> 00:38:44.130 on what are some practical tools  
887 00:38:44.130 --> 00:38:46.350 and practical approaches to achieve that  
888 00:38:46.350 --> 00:38:50.310 so that not only do you make your facility less polluting  
889 00:38:50.310 --> 00:38:51.480 from a climate perspective,  
890 00:38:51.480 --> 00:38:52.920 how do you make them more resilient  
891 00:38:52.920 --> 00:38:54.900 when you have those storm events?  
892 00:38:54.900 --> 00:38:55.733 So again,  
893 00:38:55.733 --> 00:39:00.143 if that's an example of the practice to policy cycle.  
894 00:39:01.890 --> 00:39:06.890 It's also really valuable and rich  
895 00:39:07.890 --> 00:39:11.700 to look at some of the non-legislative efforts  
896 00:39:11.700 --> 00:39:13.143 that Biden has championed.  
897 00:39:14.100 --> 00:39:19.100 And on day one, the first week,

898 00:39:19.398 --> 00:39:23.003 we had Executive Order 13985 and Executive Order 14008.

899 00:39:26.240 --> 00:39:30.060 With 13985, is that something y'all have looked at?

900 00:39:30.060 --> 00:39:33.003 Have y'all explored that?

901 00:39:34.899 --> 00:39:37.770 13985 is the executive order

902 00:39:37.770 --> 00:39:41.373 with the commitment of the administration for equity.

903 00:39:42.514 --> 00:39:47.460 What's powerful is that it defines equity

904 00:39:47.460 --> 00:39:52.460 and also expands the definition of who is considered

905 00:39:53.040 --> 00:39:56.220 in that world of heightened protection

906 00:39:56.220 --> 00:39:58.320 because of heightened vulnerabilities.

907 00:39:58.320 --> 00:40:02.376 And as we saw in Executive Order 12898,

908 00:40:02.376 --> 00:40:04.080 where it was minority, low-income,

909 00:40:04.080 --> 00:40:06.180 and tribal and indigenous populations,

910 00:40:06.180 --> 00:40:10.375 it's bringing in a lot of people

911 00:40:10.375 --> 00:40:15.375 who deal with sensitivities from health vulnerabilities,

912 00:40:16.380 --> 00:40:19.323 like pregnant women, young children, and the elderly.

913 00:40:21.021 --> 00:40:22.977 It comes out with a whole range of those

914 00:40:22.977 --> 00:40:25.290 who need to be protected.

915 00:40:25.290 --> 00:40:28.560 It also establishes the requirement

916 00:40:28.560 --> 00:40:32.490 and burden for every department to do an equity analysis,

917 00:40:32.490 --> 00:40:37.140 and not just an equity analysis but an equity plan.

918 00:40:37.140 --> 00:40:42.140 So those are policy opportunities to latch onto,

919 00:40:43.170 --> 00:40:45.210 set your coordinates on that to evaluate,

920 00:40:45.210 --> 00:40:47.850 and see how you can use some of those provisions

921 00:40:47.850 --> 00:40:50.133 to achieve what you want to achieve.

922 00:40:51.360 --> 00:40:56.070 Executive Order 14008 is straight on in its title

923 00:40:56.070 --> 00:41:01.070 about environmental justice as well as climate justice.

924 00:41:01.269 --> 00:41:04.770 What's interesting about 14008

925 00:41:04.770 --> 00:41:06.883 is that it specifically requires

926 00:41:11.259 --> 00:41:12.630 that they wanted to use the whole-of-government approach,

927 00:41:12.630 --> 00:41:16.020 so the notion that governments could act in silos

928 00:41:16.020 --> 00:41:19.560 sometimes at cross purposes was put to rest.

929 00:41:19.560 --> 00:41:23.280 And so I think that's a really important executive order.

930 00:41:23.280 --> 00:41:28.280 Also, it has the Justice 40 initiative

931 00:41:28.650 --> 00:41:31.350 that I'm gonna talk about, but I wanna ask a question.

932 00:41:31.350 --> 00:41:35.040 That clock says it's five minutes after nine.

933 00:41:35.040 --> 00:41:37.260 I don't think that's accurate,

934 00:41:37.260 --> 00:41:39.150 so I'm losing track of time here.

935 00:41:39.150 --> 00:41:40.263 So what time is it?

936 00:41:41.250 --> 00:41:42.834 It's 42?

937 00:41:42.834 --> 00:41:45.180 So we only have three minutes?

938 00:41:45.180 --> 00:41:46.685 Oh, dear.

939 00:41:46.685 --> 00:41:47.580 See, we could go on forever.

940 00:41:47.580 --> 00:41:49.327 So I was looking at that clock and I said,

941 00:41:49.327 --> 00:41:51.399 "Man, I'm going really fast."

942 00:41:51.399 --> 00:41:55.960 I do apologize, but I did ask for that in advance.

943 00:41:55.960 --> 00:41:57.774 Long story short,

944 00:41:57.774 --> 00:42:02.400 you can look for authorities within the executive orders.

945 00:42:02.400 --> 00:42:04.800 Interestingly, non-executive orders reports

946 00:42:04.800 --> 00:42:06.840 on the unity agenda for mental health

947 00:42:06.840 --> 00:42:08.520 on the blueprint for maternal health  
948 00:42:08.520 --> 00:42:10.320 specifically mentioned climate,  
949 00:42:10.320 --> 00:42:12.630 and there are provisions there to address that.  
950 00:42:12.630 --> 00:42:15.300 So again, it's a place to harvest.  
951 00:42:15.300 --> 00:42:18.840 In terms of Justice 40, again,  
952 00:42:18.840 --> 00:42:21.990 that's where 40% of the federal government's  
budget  
953 00:42:21.990 --> 00:42:25.020 needs to be going into these particular cate-  
gories.  
954 00:42:25.020 --> 00:42:27.720 Climate change is bold face, set out as one.  
955 00:42:27.720 --> 00:42:30.900 All of these others have relationships to cli-  
mate  
956 00:42:30.900 --> 00:42:34.530 and should be factored in and should be con-  
sidered.  
957 00:42:34.530 --> 00:42:38.160 There's probably at least 300-400 programs  
958 00:42:38.160 --> 00:42:39.960 that federal departments have identified.  
959 00:42:39.960 --> 00:42:41.430 The Department of Energy has identified  
960 00:42:41.430 --> 00:42:46.430 146 of their programs that are relevant to  
Justice 40.  
961 00:42:46.560 --> 00:42:48.300 Again, have a lot of conversation,  
962 00:42:48.300 --> 00:42:49.947 can have a lot of information  
963 00:42:49.947 --> 00:42:52.590 to provide you on these pieces.  
964 00:42:52.590 --> 00:42:54.810 But each of those gives you a strong beachhead  
965 00:42:54.810 --> 00:42:56.610 that has money attached to it,  
966 00:42:56.610 --> 00:42:58.230 it has authorities attached to it,  
967 00:42:58.230 --> 00:43:00.327 it has your coordinates with decisions  
968 00:43:00.327 --> 00:43:03.102 and decision makers attached to it.  
969 00:43:03.102 --> 00:43:05.502 So wonderful roadmap to get to your destina-  
tion.  
970 00:43:06.930 --> 00:43:07.763 Okay, good.  
971 00:43:07.763 --> 00:43:09.090 We're not too far off.  
972 00:43:09.090 --> 00:43:11.880 The last few minutes, what I was gonna share  
with you

973 00:43:11.880 --> 00:43:14.023 and what I was gonna go over with you

974 00:43:14.023 --> 00:43:17.490 from a discussion perspective are when we get to Waypoint,

975 00:43:17.490 --> 00:43:19.410 it's the notion, okay, you've got your rhumb line,

976 00:43:19.410 --> 00:43:21.810 you know you wanna get from the northwest corner of Spain

977 00:43:21.810 --> 00:43:23.220 to an island off of Africa,

978 00:43:23.220 --> 00:43:25.230 you've gotta have points in between to make sure

979 00:43:25.230 --> 00:43:26.063 you're on course

980 00:43:26.063 --> 00:43:28.620 and you're not heading to the United States

981 00:43:28.620 --> 00:43:29.470 or the Caribbean.

982 00:43:30.330 --> 00:43:32.780 How many of you have heard of the Willow Project?

983 00:43:35.187 --> 00:43:36.060 Good.

984 00:43:36.060 --> 00:43:36.893 And those of you that have heard of the Willow Project,

985 00:43:36.893 --> 00:43:39.003 how many of you know which law it applies?

986 00:43:41.430 --> 00:43:43.260 So my favorite statute,

987 00:43:43.260 --> 00:43:45.423 it's the National Environmental Policy Act.

988 00:43:46.320 --> 00:43:50.340 And within the statute, I've done the analysis for it.

989 00:43:50.340 --> 00:43:53.280 Obviously, you've got the Native Alaskan villages

990 00:43:53.280 --> 00:43:55.803 that are gonna be wiped off the map.

991 00:43:56.642 --> 00:43:59.130 You've got concerns with the population at large,

992 00:43:59.130 --> 00:44:01.440 we know the sea state of what their conditions are

993 00:44:01.440 --> 00:44:04.473 in terms of subsistence fishing, some of the sacred trust.

994 00:44:06.030 --> 00:44:10.020 You look at the coordinates being the executive branch,

995 00:44:10.020 --> 00:44:11.490 not just Department of Interior,

996 00:44:11.490 --> 00:44:13.170 but looking at Bureau of Land Management  
997 00:44:13.170 --> 00:44:15.597 as well as Fish and Wildlife Service.  
998 00:44:15.597 --> 00:44:16.430 You need to drill down  
999 00:44:16.430 --> 00:44:17.490 because that's where you're gonna find  
1000 00:44:17.490 --> 00:44:20.910 the actionable provisions to get some enforce-  
ability.  
1001 00:44:20.910 --> 00:44:22.980 You also have the courts involved here.  
1002 00:44:22.980 --> 00:44:25.350 You've got the court at the district court  
level.  
1003 00:44:25.350 --> 00:44:27.660 Can ask the question, why did they go to  
Alaska?  
1004 00:44:27.660 --> 00:44:29.160 Why didn't they go to the DC circuit,  
1005 00:44:29.160 --> 00:44:31.590 when the DC circuit is usually more friendly  
1006 00:44:31.590 --> 00:44:34.320 to environmental justice concerns?  
1007 00:44:34.320 --> 00:44:36.403 Something to think about.  
1008 00:44:36.403 --> 00:44:37.830 Rhumb line is in the National Environmental  
Policy Act  
1009 00:44:37.830 --> 00:44:38.700 within that.  
1010 00:44:38.700 --> 00:44:41.650 The legal issues that are coming to bear  
1011 00:44:41.650 --> 00:44:43.140 is the sufficiency of the assessment  
1012 00:44:43.140 --> 00:44:45.853 because NEPA requires consideration of the  
environment  
1013 00:44:45.853 --> 00:44:48.180 and the human environment.  
1014 00:44:48.180 --> 00:44:50.670 And the human and environment is defined  
as health,  
1015 00:44:50.670 --> 00:44:54.270 economics, history, culture, aesthetics,  
1016 00:44:54.270 --> 00:44:55.860 the whole range,  
1017 00:44:55.860 --> 00:44:58.770 consideration of alternatives is what a lot of  
the NGOs  
1018 00:44:58.770 --> 00:44:59.850 are suing on,  
1019 00:44:59.850 --> 00:45:02.150 and then there's also the issue of mitigation.  
1020 00:45:03.041 --> 00:45:07.203 This is a little bit more about NEPA.

1021 00:45:08.217 --> 00:45:11.001 We can have a whole class on that, so I'm gonna skip that.

1022 00:45:11.001 --> 00:45:13.800 But one of the specific questions that y'all ask is,

1023 00:45:13.800 --> 00:45:18.363 how can we get EPA to do a better job on NEPA and EJ?

1024 00:45:19.200 --> 00:45:20.220 When I co-chaired

1025 00:45:20.220 --> 00:45:24.090 the NEPA committee of the Federal Inter-agency Working Group

1026 00:45:24.090 --> 00:45:25.543 on Environmental Justice,

1027 00:45:25.543 --> 00:45:26.700 17 departments and I produced

1028 00:45:26.700 --> 00:45:28.560 an environmental justice methodology

1029 00:45:28.560 --> 00:45:32.340 that laid down the components of NEPA analysis

1030 00:45:32.340 --> 00:45:34.083 that are required by law.

1031 00:45:35.458 --> 00:45:37.683 And the 17 different departments said

1032 00:45:37.683 --> 00:45:39.930 that this is an effective and efficient

1033 00:45:39.930 --> 00:45:42.300 and consistent opportunity

1034 00:45:42.300 --> 00:45:44.100 to consider environmental justice.

1035 00:45:44.100 --> 00:45:46.260 And most importantly, that's the report card

1036 00:45:46.260 --> 00:45:48.270 that should be used right now

1037 00:45:48.270 --> 00:45:50.730 when you're evaluating any NEPA decision.

1038 00:45:50.730 --> 00:45:53.130 So we have the promising practices report,

1039 00:45:53.130 --> 00:45:54.030 which is available.

1040 00:45:54.030 --> 00:45:56.970 We also produced a companion community guide

1041 00:45:56.970 --> 00:45:58.710 on teaching communities how to do this.

1042 00:45:58.710 --> 00:46:00.240 I'll say this,

1043 00:46:00.240 --> 00:46:02.490 my office, Environmental Justice and EPA,

1044 00:46:02.490 --> 00:46:06.630 refused to post the community guide for three years.

1045 00:46:06.630 --> 00:46:07.530 They never posted it,

1046 00:46:07.530 --> 00:46:10.110 this was even including under the Obama administration.

1047 00:46:10.110 --> 00:46:11.520 Finally, I said enough is enough,

1048 00:46:11.520 --> 00:46:13.560 I went to the Department of Energy and I got it put on.

1049 00:46:13.560 --> 00:46:15.750 I got it posted in three days,

1050 00:46:15.750 --> 00:46:18.180 but again, that's an example of the nuances

1051 00:46:18.180 --> 00:46:20.573 in how you have to do workarounds.

1052 00:46:20.573 --> 00:46:22.260 And there's a whole strategy and it's all based in law

1053 00:46:22.260 --> 00:46:23.400 and our policy,

1054 00:46:23.400 --> 00:46:25.770 but that is a very important roadmap

1055 00:46:25.770 --> 00:46:30.770 to get to climate justice using NEPA.

1056 00:46:31.336 --> 00:46:33.660 It'll be one of the major statutes for that.

1057 00:46:33.660 --> 00:46:36.030 Last but not least is a wonderful example

1058 00:46:36.030 --> 00:46:39.420 coming out of Bridgeport, Connecticut, our own backyard,

1059 00:46:39.420 --> 00:46:41.250 where we're using policy

1060 00:46:41.250 --> 00:46:44.280 but in a less kind of a regulatory structure

1061 00:46:44.280 --> 00:46:47.070 where we're taking a three-story-high landfill

1062 00:46:47.070 --> 00:46:50.580 known as Mount Trashmore, turning it into Mount Growmore.

1063 00:46:50.580 --> 00:46:53.310 That's gonna provide fresh food in the food desert,

1064 00:46:53.310 --> 00:46:55.140 but it's also gonna provide a wellness campus.

1065 00:46:55.140 --> 00:46:56.906 And somebody can say,

1066 00:46:56.906 --> 00:46:58.590 "Well, what does that have to do with climate?"

1067 00:46:58.590 --> 00:47:03.120 Well, that neighborhood lives on Johnson's Creek,

1068 00:47:03.120 --> 00:47:04.530 which is routinely flooded

1069 00:47:04.530 --> 00:47:07.440 because of climate and because of stormwater,

1070 00:47:07.440 --> 00:47:11.010 and that flooding has got bacteria

1071 00:47:11.010 --> 00:47:13.320 and other pathogens from the sewage treatment plant

1072 00:47:13.320 --> 00:47:15.278 that is in noncompliance,

1073 00:47:15.278 --> 00:47:17.100 and it's also spreading all the chemicals

1074 00:47:17.100 --> 00:47:18.180 and the contamination.

1075 00:47:18.180 --> 00:47:19.712 And right now,

1076 00:47:19.712 --> 00:47:21.480 we have been invoked EPA to work for us to come in

1077 00:47:21.480 --> 00:47:24.390 and help do the site assessments and the remediation.

1078 00:47:24.390 --> 00:47:27.660 And we've raised almost \$4 million to do that,

1079 00:47:27.660 --> 00:47:30.180 plus build the hydroponic farm and wellness campus.

1080 00:47:30.180 --> 00:47:32.730 Bridgeport, Connecticut, we invite all you to come visit.

1081 00:47:32.730 --> 00:47:33.840 We'd love to have anybody

1082 00:47:33.840 --> 00:47:35.850 who wants to do any particular projects.

1083 00:47:35.850 --> 00:47:39.180 And that's a really strong climate, equity,

1084 00:47:39.180 --> 00:47:41.883 policy to practice approach.

1085 00:47:43.676 --> 00:47:44.555 So with that,

1086 00:47:44.555 --> 00:47:45.690 and that clock is still at three minutes after nine,

1087 00:47:45.690 --> 00:47:47.400 I should have figured that out,

1088 00:47:47.400 --> 00:47:50.029 is that I could tell you a little bit more

1089 00:47:50.029 --> 00:47:51.180 about the approach that we use.

1090 00:47:51.180 --> 00:47:54.983 But again, you all are at a point in your career

1091 00:47:54.983 --> 00:47:57.870 where you're getting so much knowledge

1092 00:47:57.870 --> 00:47:59.640 and so much information.

1093 00:47:59.640 --> 00:48:03.540 And what I'm hoping to do is continue to work with you

1094 00:48:03.540 --> 00:48:05.850 on when you set your individual coordinates

1095 00:48:05.850 --> 00:48:08.670 with your destination and what you want it to be,

1096 00:48:08.670 --> 00:48:11.100 and really think of the depth and the breadth

1097 00:48:11.100 --> 00:48:14.100 and the dimensions of policy and policy methods

1098 00:48:14.100 --> 00:48:17.466 so that you can get to that destination we want to get to

1099 00:48:17.466 --> 00:48:18.299 which is climate equity.

1100 00:48:18.299 --> 00:48:19.353 So thank you very much.

1101 00:48:26.556 --> 00:48:31.556 <v ->So I think we can have two peer questions</v>

1102 00:48:32.629 --> 00:48:37.297 until they kick us out.

1103 00:48:37.297 --> 00:48:38.369 <v ->They're gonna kick us out?</v>

1104 00:48:38.369 --> 00:48:40.373 We could also be squatters, we could not leave.

1105 00:48:41.848 --> 00:48:43.890 <v ->Having been working for a non-profit</v>

1106 00:48:43.890 --> 00:48:45.330 that was suing federal agencies

1107 00:48:45.330 --> 00:48:47.820 and then also working for EPA,

1108 00:48:47.820 --> 00:48:51.143 what do you think about the efficiency of resources

1109 00:48:51.143 --> 00:48:55.230 when environmental groups sue environmental agencies?

1110 00:48:55.230 --> 00:48:57.450 <v ->Well, that's a really important question</v>

1111 00:48:57.450 --> 00:48:59.520 because when you think about the litigation

1112 00:48:59.520 --> 00:49:03.060 from outside of government to government,

1113 00:49:03.060 --> 00:49:07.230 so many of the lawsuits and the well-funded are your NRDCs,

1114 00:49:07.230 --> 00:49:09.180 your Environmental Defense, your Earth Justice.

1115 00:49:09.180 --> 00:49:10.260 NRDC has more money

1116 00:49:10.260 --> 00:49:12.930 than I think half the countries in the world,

1117 00:49:12.930 --> 00:49:15.120 so they have got a lot of money.

1118 00:49:15.120 --> 00:49:18.660 The issue is, are they dealing with the global issues?

1119 00:49:18.660 --> 00:49:20.490 And then the question is,

1120 00:49:20.490 --> 00:49:23.040 who's representing the interest of the individual?

1121 00:49:23.040 --> 00:49:25.710 And too often, the huge resources

1122 00:49:25.710 --> 00:49:27.330 that are available for suing

1123 00:49:27.330 --> 00:49:30.848 are for these global theoretical matters,

1124 00:49:30.848 --> 00:49:33.030 which are important but aren't getting to those basic needs.

1125 00:49:33.030 --> 00:49:37.770 But then I come back to what the lawsuits that we filed

1126 00:49:37.770 --> 00:49:39.360 with my public interest law firm.

1127 00:49:39.360 --> 00:49:42.330 I had to raffle off a Baskin-Robbins ice cream bin

1128 00:49:42.330 --> 00:49:45.720 that my best friend's boyfriend's cousin worked at

1129 00:49:45.720 --> 00:49:47.340 to pay our first month's rent.

1130 00:49:47.340 --> 00:49:50.730 But the hydraulic fracturing issue that you know,

1131 00:49:50.730 --> 00:49:54.000 that was our lawsuit when we sued EPA

1132 00:49:54.000 --> 00:49:57.420 because toilets were blowing up in rural Alabama.

1133 00:49:57.420 --> 00:50:02.420 So resources are an issue and it's very unbalanced,

1134 00:50:04.560 --> 00:50:09.560 but that's a hurdle, it's not a barrier.

1135 00:50:11.779 --> 00:50:15.390 And so I think that there needs to be greater attention

1136 00:50:15.390 --> 00:50:16.950 by the big organizations

1137 00:50:16.950 --> 00:50:18.840 in support of the smaller organizations

1138 00:50:18.840 --> 00:50:20.460 that are looking at the people

1139 00:50:20.460 --> 00:50:21.930 and the human health aspect

1140 00:50:21.930 --> 00:50:26.400 of all these environmental issues including climate.

1141 00:50:26.400 --> 00:50:28.260 <v ->You mentioned that a lot of departments</v>

1142 00:50:28.260 --> 00:50:30.180 are already identifying programs

1143 00:50:30.180 --> 00:50:32.376 that they think funding could go to.

1144 00:50:32.376 --> 00:50:35.850 With such a short time before administration changes,

1145 00:50:35.850 --> 00:50:37.980 do you think most money will end up getting funneled

1146 00:50:37.980 --> 00:50:42.873 to pre-existing government programs versus community groups?

1147 00:50:43.888 --> 00:50:44.973 What do you see?

1148 00:50:44.973 --> 00:50:46.680 <v ->See, that's such a wonderful, wonderful question,</v>

1149 00:50:46.680 --> 00:50:51.210 and I'm happy to report that at least my old office

1150 00:50:51.210 --> 00:50:53.973 and EPA is really trying to do something differently.

1151 00:50:55.320 --> 00:50:58.680 With respect to getting more money

1152 00:50:58.680 --> 00:51:00.300 into the hands of community,

1153 00:51:00.300 --> 00:51:02.280 the old office that's getting billions of dollars

1154 00:51:02.280 --> 00:51:05.460 is doing thriving communities technical assistance centers,

1155 00:51:05.460 --> 00:51:07.050 one for each region.

1156 00:51:07.050 --> 00:51:08.280 It has two purposes,

1157 00:51:08.280 --> 00:51:10.650 one is to help communities

1158 00:51:10.650 --> 00:51:13.230 know how to access the federal government dollars.

1159 00:51:13.230 --> 00:51:15.600 And number two, how do they participate in decision making?

1160 00:51:15.600 --> 00:51:17.340 They're answering the question that I pounded on the table

1161 00:51:17.340 --> 00:51:18.990 when I left on, they're doing it now.

1162 00:51:18.990 --> 00:51:23.990 But there is an RFA now for \$50 million per region,

1163 00:51:24.390 --> 00:51:29.390 40 million of that will be going to community organizations.

1164 00:51:29.430 --> 00:51:30.720 So EPA is doing its best

1165 00:51:30.720 --> 00:51:32.640 to get the money out the door to do that.

1166 00:51:32.640 --> 00:51:36.720 So there is an effort, again, you guys are the experts here.

1167 00:51:36.720 --> 00:51:38.613 They need you, right?

1168 00:51:38.613 --> 00:51:39.630 When I say they, there's a lot of they's

1169 00:51:39.630 --> 00:51:41.370 that we could define.

1170 00:51:41.370 --> 00:51:44.640 The other part to keep in mind is that the budget

1171 00:51:44.640 --> 00:51:48.210 for bipartisan infrastructure on IRA is five years.

1172 00:51:48.210 --> 00:51:50.880 So even though there's been a lot of stress

1173 00:51:50.880 --> 00:51:53.190 and anxiety in the first couple of years,

1174 00:51:53.190 --> 00:51:55.740 it's not getting to the people that need it.

1175 00:51:55.740 --> 00:51:57.300 There is still that commitment

1176 00:51:57.300 --> 00:52:00.150 and we have three more years to get that money going.

1177 00:52:00.150 --> 00:52:04.020 So we're not even halfway through that time period.

1178 00:52:04.020 --> 00:52:06.843 Again, you guys are experts that are needed.

1179 00:52:09.561 --> 00:52:12.361 Rob, can you come up with a way to get people connected?

1180 00:52:13.353 --> 00:52:14.506 Yes?

1181 00:52:14.506 --> 00:52:15.380 <v ->Yeah, thanks for the good talk.</v>

1182 00:52:15.380 --> 00:52:17.676 I have a question about the mapping tools.

1183 00:52:17.676 --> 00:52:19.320 You mentioned that the impacted communities

1184 00:52:19.320 --> 00:52:21.720 should be involved at the very beginning, right?

1185 00:52:22.560 --> 00:52:26.010 I understand that the engagement of the communities

1186 00:52:26.010 --> 00:52:29.850 can help with the selection and validation of the tool,

1187 00:52:29.850 --> 00:52:32.430 but it can also be highly subjective

1188 00:52:32.430 --> 00:52:35.160 because of the individual knowledge

1189 00:52:35.160 --> 00:52:37.533 and perspective of some representatives.

1190 00:52:38.428 --> 00:52:39.512 So my question is,

1191 00:52:39.512 --> 00:52:43.293 how can we ensure that the process really improves the tool?

1192 00:52:44.280 --> 00:52:46.157 <v ->That is a fundamental question,</v>

1193 00:52:46.157 --> 00:52:47.490 and I'm so glad you're asking it,

1194 00:52:47.490 --> 00:52:49.380 and it should be asked for everything

1195 00:52:49.380 --> 00:52:51.720 that's under the label of environmental justice.

1196 00:52:51.720 --> 00:52:54.600 And that really comes down to the training

1197 00:52:54.600 --> 00:52:58.560 and technical assistance to buttress the community members

1198 00:52:58.560 --> 00:53:00.600 as they're getting involved.

1199 00:53:00.600 --> 00:53:01.433 And I'll say this,

1200 00:53:01.433 --> 00:53:03.030 when I was with my public interest law firm,

1201 00:53:03.030 --> 00:53:04.650 I would walk in with myself,

1202 00:53:04.650 --> 00:53:07.650 but everybody I was suing had their lawyers,

1203 00:53:07.650 --> 00:53:11.030 they had their engineers, they had their economists,

1204 00:53:11.030 --> 00:53:15.750 so it's not a surprising phenomenon

1205 00:53:15.750 --> 00:53:18.210 that communities need that information.

1206 00:53:18.210 --> 00:53:21.585 So part of it is making sure they have that information,

1207 00:53:21.585 --> 00:53:24.180 the training, and the time to have that exchange.

1208 00:53:24.180 --> 00:53:25.200 The other point, though,

1209 00:53:25.200 --> 00:53:27.330 that's really become very powerful now

1210 00:53:27.330 --> 00:53:29.730 is the recognition of lived experience,

1211 00:53:29.730 --> 00:53:32.040 expertise of these community members.

1212 00:53:32.040 --> 00:53:34.110 And I could give you a lot of examples  
1213 00:53:34.110 --> 00:53:37.740 where the high-tech folks out of EPA  
1214 00:53:37.740 --> 00:53:40.500 on a Clean Water Act permit decision  
1215 00:53:40.500 --> 00:53:43.170 were using all of their US Geological Survey  
data,  
1216 00:53:43.170 --> 00:53:45.420 but they didn't realize there was a beaver  
dam on the river,  
1217 00:53:45.420 --> 00:53:47.970 which affected the flow, which affected the  
mixing zone,  
1218 00:53:47.970 --> 00:53:50.370 which affected the amount of pollutant  
1219 00:53:50.370 --> 00:53:51.810 that could be discharged.  
1220 00:53:51.810 --> 00:53:53.250 So once again,  
1221 00:53:53.250 --> 00:53:56.825 as emerging public health experts,  
1222 00:53:56.825 --> 00:54:00.960 grasping hold of that very issue  
1223 00:54:00.960 --> 00:54:03.060 and reverse engineering the problem-solving  
1224 00:54:03.060 --> 00:54:05.160 of what needs to take place.  
1225 00:54:05.160 --> 00:54:06.480 And again, for y'all,  
1226 00:54:06.480 --> 00:54:09.420 these centers that are being set up are five-  
year centers.  
1227 00:54:09.420 --> 00:54:12.870 So think about potential job opportunities  
1228 00:54:12.870 --> 00:54:15.123 with your expertise to get to that point.  
1229 00:54:17.190 --> 00:54:19.454 <v ->There's an online question.</v>  
1230 00:54:19.454 --> 00:54:20.287 <v ->Okay.</v>  
1231 00:54:29.126 --> 00:54:29.970 I love that question,  
1232 00:54:29.970 --> 00:54:32.690 and I like to admit bias upfront.  
1233 00:54:38.280 --> 00:54:39.873 For me,  
1234 00:54:39.873 --> 00:54:42.300 I think that the most progress we're gonna  
make  
1235 00:54:42.300 --> 00:54:46.140 is when you drill down and start with the  
human being,  
1236 00:54:46.140 --> 00:54:48.000 especially those that are most vulnerable  
1237 00:54:48.000 --> 00:54:52.710 because that political wind transfers into  
votes.

1238 00:54:52.710 --> 00:54:56.310 And I think that we, for example,  
1239 00:54:56.310 --> 00:54:59.940 could take the new EJ index out of HHS,  
1240 00:54:59.940 --> 00:55:03.930 which is looking very directly at the cumulative impact.  
1241 00:55:03.930 --> 00:55:07.170 Cumulative impact is related to NEPA.  
1242 00:55:07.170 --> 00:55:10.500 We lost it under Trump, we got it back under Biden.  
1243 00:55:10.500 --> 00:55:11.910 So it's kind of coming up  
1244 00:55:11.910 --> 00:55:14.130 with a couple of these decision points  
1245 00:55:14.130 --> 00:55:17.812 and then applying that public health component to it.  
1246 00:55:17.812 --> 00:55:19.920 I will say, as an example,  
1247 00:55:19.920 --> 00:55:23.552 even under non-friendly administrations  
1248 00:55:23.552 --> 00:55:25.922 in Florida as an example,  
1249 00:55:25.922 --> 00:55:28.740 there was an effort to waive the drinking water standard  
1250 00:55:28.740 --> 00:55:32.340 for cold form to allow the injection of wastewater  
1251 00:55:32.340 --> 00:55:35.280 and stormwater into aquifers for storage.  
1252 00:55:35.280 --> 00:55:39.480 And we were able to channel a Republican House,  
1253 00:55:39.480 --> 00:55:42.055 a Republican Senate, Republican governor, not DeSantis,  
1254 00:55:42.055 --> 00:55:45.510 it was actually Bush, to support what we want to do,  
1255 00:55:45.510 --> 00:55:47.820 which is prevent that from happening.  
1256 00:55:47.820 --> 00:55:51.180 I would say that the broader answer would be  
1257 00:55:51.180 --> 00:55:56.180 that we need to latch onto  
1258 00:55:56.220 --> 00:55:59.550 the real dire human health impacts  
1259 00:55:59.550 --> 00:56:04.550 but attach that to a whole list of policy decisions  
1260 00:56:06.270 --> 00:56:10.020 that have to be made and then try to influence that.

1261 00:56:10.020 --> 00:56:13.620 And like I said, starting with HHS and their new tool,

1262 00:56:13.620 --> 00:56:17.520 seeing what you could add some sort of decisions to that.

1263 00:56:17.520 --> 00:56:19.860 Sorry, that was probably not a crisp answer,

1264 00:56:19.860 --> 00:56:22.953 but at least it's the playing field we're operating in.

1265 00:56:24.527 --> 00:56:25.469 <v ->Thanks Suzi.</v>

1266 00:56:25.469 --> 00:56:26.330 Thank you for the wonderful talk.