

**MINUTES OF MEETING OF THE  
ENVIRONMENTAL JUSTICE ADVISORY BOARD  
FEBRUARY 14, 2023**

**MEMBERS PRESENT VIA PHONE:**

Dr. Jennifer Baka  
Dr. Heather Bedi  
Adam Cutler, Chairman  
Anthony David  
Dr. Lisa DePaoli  
Hazem Hijazi  
Bobby Hughes  
Rafiyqa Muhammad  
Joylette Portlock  
Jerome Shabazz  
Tom Torres

**DEP STAFF PRESENT VIA PHONE:**

Abbey Cadden, DEP Policy Office  
Justin Dula, Office of Environmental Justice  
Jennifer McLuckie, Office of Environmental Justice  
Winnie Okello, Office of Environmental Justice  
Sarah Pinter, DEP Energy Programs Office  
Bo Reiley, Bureau of Reg Counsel  
Juan Serrat, Office of Environmental Justice

**NON-MEMBERS PRESENT:**

Thomas Begley	Glendon King
Bart Buurman	Steve Kratz
Meghan Emes	Erica L.
Emily Eyster	J. Martin
Evan B. Franzese	Jahnvi Modi
Josie Gaskey	Andrew Ritter, Jr.
Ariana Genna	Kara Spade
Garry Gilliam	Nick Troutman
Rachel Gleason	Madison Stromswold
Kailee Glock	Lindsay Williamson
Laura Harding	Alice Wright (for Dr. Horace Strand)
Mark Huncik	Jade

**CALL TO ORDER:**

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

**NEW MEMBER INTRODUCTION:**

Justin Dula provided a brief introduction of Dr. Lisa DePaoli. Dr. DePaoli is a newly appointed Environmental Justice Advisory Board (EJAB) member. She attended the August 18, 2022 traveling EJAB Quarterly meeting where she gave a presentation on her work through the Center for Coalfield Justice. She is from the southwest region, and works on community issues, specifically in Greene and Washington counties, around the legacy of the coal industry, natural gas industry and other issues.

**APPROVAL OF MINUTES:**

Chairman Cutler solicited additions or corrections to the Minutes of the November 15, 2022 meeting. Hearing none, Chairman Cutler requested a motion to approve the Minutes.

**Rafiyqa Muhammad made a motion to approve the Minutes of the November 15, 2022 meeting. Dr. Jen Baka seconded the motion. With no abstentions, all were in favor, and the motion was unanimously approved.**

**REVIEW OF ACTION ITEMS FROM NOVEMBER 15, 2022:**

*August 15 meeting location*

Chairman Cutler led the discussion of EJAB's Quarterly August traveling meeting location. This meeting rotates throughout different regions of the Commonwealth. EJAB's last traveling meeting was in Johnstown. EJAB was to meet in the Scranton area in 2021, but due to the pandemic meetings switched to virtual. It has been over four years since an in-person meeting has been in the Harrisburg area. The mayor of Scranton has shown interest in attending EJAB meetings but isn't sure about the timing. Another suggestion is Chester.

Chairman Cutler solicited thoughts among board members, asked if anyone had contacts within communities that we could leverage to get them involved and what are the pros and cons.

Members discussed Scranton being an option. The mayor of Scranton, Mayor Paige Cognetti, has shown interest in being involved with EJAB and talking about Federal State Funding that is available to disadvantaged communities. Funding like Justice40 and options under the Inflation Reduction Act. Bobby Hughes mentioned Mayor Cognetti is very welcoming of community groups, adding that he has worked with her on numerous community projects in Lackawanna County.

Rafiyqa Muhammad elaborated more on Harrisburg and the issues surrounding this city. Discussing being able to invite county commissioners, folks that can make change, need to be brought to the table and included in these meetings. Green waste, which is the illegal dumping of grass clippings, tree cuttings etc., is a big issue within Harrisburg and the city's parks. Bobby Hughes added that illegal dumping is also an issue in Wyoming Valley, Luzerne County.

Alice Wright spoke on behalf of Dr. Strand on opportunities in Chester. Alice advised there are several issues of concern in Chester, one specifically raised by Councilwoman Portia West. Councilwoman West has concerns about liquid natural gas that is being pumped and trucked through Chester. Many community residents have raised concerns to Councilwoman West. In addition, environmental organizations, such as Physician's for Social Responsibility, have been in contact with Dr. Strand's office regarding the liquid natural gas going through Chester. Zulene Mayfield, with CRCQL, has spoken with Philadelphia newspapers, WHYY and other organizations about the issues in Chester. Additionally, there are issues with recycling and trash, along with health concerns about the Johns Hopkins study.

In summary, Chairman Cutler acknowledged that Illegal dumping seems to be a concern within all communities, including the mentioned areas in which EJAB is considering for the August traveling meeting. No decision needed to be made and feedback is warranted from Dr. Strand.

#### *Transition to new administration*

Chairman Cutler discussed Governor Shapiro appointing Acting Secretary Negrin. Secretary Negrin is unable to attend quarterly meetings until he is officially confirmed by the PA Senate. Chairman Cutler discussed drafting a transition memo for the new Secretary. EJAB would share thoughts on important priorities for the Secretary to pursue, continue to pursue and support, as far as the work that has been done during the past administration and the work EJAB hopes to see in the new administration.

#### *Transition memo topics*

##### *Adam Cutler*

Chairman Cutler discussed various topics to include in the memo. Topics including the implementation of the Environmental Justice (EJ) Policy, including updating, reviewing, and expanding on it; EJ Mapping tool and its implementation and the cumulative impacts pertaining to each; RGGI and the prior administration's support of the Commonwealth joining RGGI and the development of equity principles; Climate Action for Environmental Justice Communities (CAEJC) program, in which there is a presentation during this meeting; funding for EJ and climate justice and how to help EJ and overburdened communities participate in prioritizing the funding for those projects; pipelines and public health impacts; the need for public engagement and transparency on hydrogen carbon capture and storage projects; enforcement of prior administrations EJ's Executive Order of enforcement in overburdened communities. It is Chairman Cutler's hope that current administration will share enforcement priorities with EJAB.

##### *Dr. Heather Bedi*

Dr. Bedi shared that not only has there been a change in administration, it seems there has been a lot of turnovers in the EJ office. Thinking of broader support, ask if Acting Secretary Negrin would make more of a commitment to this office. Sharing that there doesn't seem to be consistent support from DEP for the EJ office.

##### *Alice Wright*

Ms. Wright asked for thoughts on updates on regulations and permits over so many years that no longer apply to industries in question and if for no other reason for communities that live in sacrifice zones. Stating, some permits and regulations haven't been updated in over a decade. Instead of being updated ad-hoc, impose a regular cycle for updating these.

##### *Jerome Shabazz*

Jerome stated this may be an opportunity to educate the new administration and show where EJAB has been and where EJAB wants to go. EJAB can elaborate on previous work done with past administrations, what EJAB wants to work on and how to see those things through. EJAB, in some way, wants to be considered consultants or be a part of the evaluation process, for federal funding for EJ communities.

*Alice Wright*

Ms. Wright, adding to Jerome's comment, suggests the DEP and EJAB should have access to give out grants to community groups, this would allow EJAB to be a more approachable resource, by the public.

*Anthony David*

Anthony stated that it's also important for to go into these communities and understand what community funding is already there and what organizations may be doing to help, specifically on the environmental side. Trying to understand how communities are funded with their own resources, on top of accessing DEP resources and doing a deep dive in these communities to understand their needs. Chairman Cutler discussed there is additional funding out there besides federal funding. EJAB members should have expertise in their own communities to help with resources.

*Bobby Hughes*

Bobby's discussion centered around the current grant application process. While there is a choice of what program to apply for, there isn't an option to discuss further, when you get to the EJ component of the grant application. With the limited ability to talk about EJ, other than if you are in an EJ community or not, makes it harder to do outreach.

Justin Dula explained, DEP is working to improve tracking grants for EJ. Some grants do allow for a narrative element to explain how the project will benefit communities facing EJ issues. There are some grants where no priority is given as they are first come, first served. Communities may not hear about the grant and tracking whether they are in EJ communities even in the case where there isn't preference would enable the OEJ to do additional outreach to make sure communities do hear about grants. OEJ is continuing discussions on being able to elaborate more.

**DEP UPDATES:**

Justin Dula, Director, DEP, Office of Environmental Justice, provided updates on the following;

*Secretary Announcement*

Acting Secretary Negrin is eager to meet with everyone, EJ is a high priority, but is waiting until confirmation.

*EJ Policy*

OEJ continues to incorporate comments from the comment/response period. Producing items to be able to hit the ground running when it is finalized and moving forward in a functional way to be able to implement the policy.

*EJ Mapping Tool*

Mapping updates continue. OEJ is working through the IT section and updating the EJ area viewer to look at over 25 different factors in a CalEnviroScreen model where things are based

on percentiles, and we have an overall cumulative score. OEJ continues to work on this but will wait until confirmation of the Secretary.

Chairman Cutler opened the floor for discussion and asked for an update on the hiring freeze. OEJ is looking at the positions but with the new administration, it may be a bit of time. OEJ advised while in a transition period, there is still work being done on the policy, but not many public updates until confirmation.

#### *EPA guidance on permitting*

Bo Reiley, DEP, Office of Chief Counsel (OCC)

OCC met with EPA Region 3 states, PA, WV, MD, DC and DE, regarding common issues. EPA came out with a legal tools document regarding EJ and cumulative impacts. This guidance is survey of EPA's current statutory and regulatory policies. All Region 3 states are interested in pursuing EJ and cumulative impact tools to ensure these are considered holistically.

Chairman Cutler recalled that PA has, but the other region 3 states don't have, an environmental rights amendment. Asking if there have been any discussions with EPA around the legal tools and how that may translate to the states and what impact or effectiveness the environmental rights amendment might have in PA in conjunction with former Governor Wolf's EJ Executive Order, which cited to pursue a cumulative impact approach. Bo followed up that PA's position has always been that DEP is a creature of statute and we only have the statutory authority that the general assembly has given.

#### *Bobby Hughes*

Links for reference:

The new GIS State Inventory Tool available from the EPA. Look at in context of mapping.

<https://www.epa.gov/statelocalenergy/download-state-inventory-and-projection-tool>

Helpful resource link on the Green Amendment movement, which appears to be national.

<https://forthegenerations.org/>

#### **CONTINUATION OF NEW MEMBER INTRODUCTION:**

Chairman Cutler circled back, Dr. DePaoli joined and gave an introduction. Dr. DePaoli is the Communications Manager at Center for Coalfield Justice. She is excited to be a part of EJAB and thinking of topics for the new Secretary to prioritize.

#### **PRESENTATION:**

Sarah Pinter, Energy Program Specialist, DEP, Energy Program Office (EPO)

[Climate Action for EJ Communities Program](#)

The Climate Action for Environmental Justice Communities Program (CAEJCP) goal is to understand the challenges that communities are facing to achieve climate resilience. The EPO is working on a Climate Action Plan (Plan) for community engagement around a list of strategies that include Greenhouse Gas Reduction strategies and community resilient strategies.

Facilitating community engagement to allow communities to discuss with EPO what strategies

are working and what can be changed. Once feedback is received, this information will drive the plan.

EPO has partnered with Preservation Design Partnership (PDP), who's focus is on the protection and preservation of historic resources, especially in older communities. EPO has conducted preliminary literature review, prepared a plan for engagement and action list. DEP and PDP will facilitate discussions of community needs, risks, and opportunities. Six meetings have been scheduled to meet with representatives of groups that address climate change and sustainability and those that address communities needs and the issues they may be facing. PDP will be releasing eight online surveys, based on certain categories and one can complete the survey, based on their expertise, on that category.

Q&A centered on what population of people this program is targeted, outreach efforts, terminology and members provided feedback, specifically towards an approach that includes individuals in communities, not just the organizations that represent the communities. EJAB members want engagement with the EPO office on this program and the six scheduled meetings.

**OEJ UPDATES:**

*EJ Policy and EJ Mapping*

Updates have been key priorities for OEJ.

*Regional Projects*

*Northeast Regional Office*

Juan Serrat, Regional Coordinator, DEP, OEJ

Upcoming natural gas gathering line project going through a 60+ mile region in the Scranton area. While in preliminary discussions, the gathering line is going through EJ communities, making it subject to trigger permit policy.

Q&A centered on regulations of gathering lines and how permitting is done.

**PUBLIC COMMENT:**

*Alice Wright*

Ms. Wright discussed a need to move residents out of EJ communities being affected by the northeast regional project. The area is being polluted and is spreading to other communities.

*Laura Harding – President of Camp Curtin Neighborhoods United*

Ms. Harding expressed that cities maintain lists of neighborhood organizations that can be utilized. She discussed displeasure with DEP's outreach efforts and suggested that there should be guidelines for outreach for EJ communities and if a project is being done in such a location. Multiple neighborhood organizations need to be included and there should be a centralized list for all agencies to use. Suggesting agencies have a simplified process and guidelines to follow to do outreach within EJ communities, what areas need addressed and contacts.

The Chairman followed up about centralized lists of different grassroots in each area. OEJ does have a list of groups we know about, but there is no single guideline or registration process. Some community groups may not realize they are in an environmental justice area.

*Bart Buurman – Public Health Masters candidate at Arcadia University*

Mr. Buurman via chat: What actions are being made on the implementation of bike lanes in the state and how does EJAB see themselves contributing to the bike lane implementation.

Bobby Hughes took the lead to address this question. There used to be federal funds for transportation, municipal planning organizations would set up committees to meet with residents to see if there were ways to connect greenways and trail corridors that could become pathways to connect communities. PennDOT typically has programs that keep projects moving along.

Winnie Okello follow up by advising there will be nationwide guidance forthcoming from NCHRP, 08-162 guidance for implementing equitable transportation decision making, one key element is looking at transportation planning efforts to have more effective community engagement

Rafiyqa Muhammad offered advice regarding bike lanes and involving community residents. A recent PennDOT project in the city of Harrisburg was not well received, due to lack of community resident outreach. Rafiyqa emphasized the importance of reaching out directly to residents.

OEJ will follow-up with PennDOT for any updates or information about Mr. Buurman's question.

*Laura Harding*

Ms. Harding followed up to her comment with clarification around the need for a state policy. Similar to under contracts law there be MBE set aside requirements that there be a requirement and official policy that all state agencies must certify and follow on outreach for public comment in EJ communities. If each agency doesn't adhere to and ensure all people living within an EJ community have a chance to participate, sanctions would be imposed.

Ms. Harding discussed environmental disasters in her neighborhood, specifically an auto detailing shop that had cars burning underground for days. DEP investigated, but there was no follow-up with residents as to how they may have been impacted, how their health may have been impacted, or what was released into the air and streams. Residents have not been informed on what would be happening, or if any sanctions would be imposed.

Alice Wright discussed that while DEP enforces the laws, legislation writes them. Community members will come to DEP and discuss what people aren't doing, but DEP's hands are tied. Politicians write and approve the legislation and permit writing, DEP must enforce. The problem herein, lies with legislation. Adam summarized advocates need to keep the discussion going.

Rafiyqa Muhammad discussed that she & Anthony David spoke in front of the Black Caucus and how they felt about the EJ efforts across the state. This group has not had prior EJ discussions, and this may be good to get legislators involved in with this.

Juan followed up that he & the southeast Local Government Liaison reached out to Representative Donna Bulloch's office to discuss new administration and what the Caucus looks like right now. Assistance was solicited to those that may have contacts with Representative Bulloch's office.

### **SUBCOMMITTEE UPDATES**

*EJ in PA*

*EJ Symposium*

General discussion arose on the need to create a document, of EJ resources, where all information and links can be available and shareable across the state. Discussions on the use of EJ funds to create this document and how to have community activists move forward and educate. Also creating a document on where funding was used and how it was used.

Rafiyqa Muhammad provide an updated on EJ Funds. Rafiyqa's contact with the YMCA stated they are going through a transition; nothing can be done at this point.

### **Wrap Up and Next Steps**

Work on draft transition memo for Acting Secretary Negrin

Further discussion about August meeting location

Follow-up from CAEJC presentation

**Rafiyqa Muhammad made a motion to adjourn the meeting. Bobby Hughes seconded the motion, and all were in favor.**

The February 14, 2023 EJAB meeting adjourned at 12:55 PM.