

**DATES:** The WHEJAC will hold a virtual public meeting on Wednesday, November 17, 2021, and Thursday, November 18, 2021, from approximately 3:00 p.m.–7:30 p.m., Eastern Time each day. A public comment period relevant to the specific issues will be considered by the WHEJAC on Thursday, November 17, 2021. (see **SUPPLEMENTARY INFORMATION**). Members of the public who wish to participate during the public comment period must pre-register by 11:59 p.m., Eastern Time, one (1) week prior to the meeting date.

**FOR FURTHER INFORMATION CONTACT:** Karen L. Martin, WHEJAC Designated Federal Officer, U.S. EPA; email: [whejac@epa.gov](mailto:whejac@epa.gov); telephone: (202) 564–0203. Additional information about the WHEJAC is available at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>.

**SUPPLEMENTARY INFORMATION:** The meeting discussion will focus on several topics including, but not limited to the discussion and deliberation of draft recommendations to the Chair of the Council on Environmental Quality and the White House Interagency Council on Environmental Justice from the Justice40 Work Group, Climate and Economic Justice Screening Tool Work Group, and the Scorecard Work Group.

The Charter of the WHEJAC states that the advisory committee will provide independent advice and recommendations to the Chair of the Council on Environmental Quality (CEQ) and to the White House Interagency Council on Environmental Justice (IAC). The WHEJAC will provide advice and recommendations about broad cross-cutting issues, related but not limited to, issues of environmental justice and pollution reduction, energy, climate change mitigation and resiliency, environmental health, and racial inequity. The WHEJAC's efforts will include a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice.

**Registration:** Individual registration is required for the virtual public meeting. Information on how to register is located at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>. Registration for the meeting is available through the scheduled end time of the meeting. Registration to speak during the public comment period will close 11:59 p.m., Eastern Time, one (1) week prior to meeting date. When registering, please provide your name, organization, city and state, and email address for follow up. Please also indicate whether

you would like to provide public comment during the meeting, and whether you are submitting written comments at the time of registration.

#### A. Public Comment

Every effort will be made to hear from as many registered public commenters during the time specified on the agenda. Individuals or groups making remarks during the public comment period will be limited to three (3) minutes. To accommodate the number of people who want to address the WHEJAC during the time allotted on the agenda, only one representative of a particular community, organization, or group will be allowed to speak. Submission of written comments for the record are strongly encouraged. The suggested format for individuals providing public comments is as follows: Name of speaker; name of organization/ community; city and state; brief description of the concern, and what you want the WHEJAC to advise CEQ or IAC to do. Written comments received by the registration deadline, will be included in the materials distributed to the WHEJAC prior to the meeting. Written comments received after that time will be provided to the WHEJAC as time allows. Written comments can be submitted up to two (2) weeks after the meeting date. Submit your comments to Docket ID No. EPA–HQ–AO–2021–0683 or by one of the following methods:

- *www.regulations.gov*: Follow the online instructions for submitting comments.
- *Email*: Send comments by electronic mail (email) to [wheja@epa.gov](mailto:wheja@epa.gov), Attention Docket ID No. EPA–HQ–AO–2021–0683.
- *Webform*: Use the webform at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council#whejacmeeting> and email any additional materials to [whejac@epa.gov](mailto:whejac@epa.gov).

All comments received, including any personal information provided, will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute will not be included in the public docket and should not be submitted through [www.regulations.gov](http://www.regulations.gov) email, or webform. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/dockets/>. Publicly available docket materials may be accessed online at [www.regulations.gov](http://www.regulations.gov).

#### B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance

For information about access or services for individuals requiring assistance, please contact Karen L. Martin, via email at [whejac@epa.gov](mailto:whejac@epa.gov). To request special accommodations for a disability or other assistance, please submit your request at least seven (7) working days prior to the meeting, to give EPA sufficient time to process your request. All requests should be sent to the email listed in the **FOR FURTHER INFORMATION CONTACT** section.

**Matthew Tejada,**

*Director for the Office of Environmental Justice.*

[FR Doc. 2021–22599 Filed 10–15–21; 8:45 am]

**BILLING CODE 6560–50–P**

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2021–0674; FRL–9130–01–OGC]

#### Proposed Stipulated Partial Settlement Agreement, Endangered Species Act Claims

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed stipulated partial settlement agreement; request for public comment.

**SUMMARY:** In accordance with the Environmental Protection Agency (EPA) Administrator's October 16, 2017, Directive Promoting Transparency and Public Participation in Consent Decrees and Settlement Agreements, notice is hereby given of a proposed stipulated partial settlement agreement that resolves part of the *Center for Environmental Health, et al., v. Wheeler, et al.*, case in the United States District Court for the Northern District of California (4:18–cv–03197) that alleges that EPA and the United States Fish and Wildlife (FWS) failed to comply with certain procedural and substantive duties under the Endangered Species Act (ESA). Defendant-Intervenor joins this stipulated partial settlement agreement.

**DATES:** Written comments on the proposed stipulated partial settlement agreement must be received by *November 17, 2021*.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2021–0674, online at <https://www.regulations.gov> (EPA's preferred method). Follow the online instructions for submitting comments.

**Instructions:** All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Additional Information about Commenting on the Proposed Settlement Agreement” heading under the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov>, as there may be a delay in processing mail and faxes. Hand-deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

EPA continues to carefully and continuously monitor information from the CDC, local area health departments, and our federal partners so that we can respond rapidly as conditions change regarding COVID-19.

**FOR FURTHER INFORMATION CONTACT:** Michele Knorr, Pesticides and Toxic Substances Law Office MC-2333A, Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone (202) 564-5631; email address [knorr.michele@epa.gov](mailto:knorr.michele@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Obtaining a Copy of the Proposed Settlement Agreement**

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2021-0674) contains a copy of the proposed settlement agreement.

The electronic version of the public docket for this action contains a copy of the proposed settlement agreement and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket

identification number then select “search.”

**II. Additional Information About the Proposed Settlement Agreement**

Prior to this lawsuit being filed, on January 18, 2017, EPA submitted to FWS a nationwide biological evaluation regarding the effects of malathion and two other active ingredients on species listed as threatened or endangered under the ESA, 16 U.S.C. 1531 *et seq.*, and their designated critical habitats and requested initiation of consultation pursuant to ESA section 7(a)(2), 16 U.S.C. 1536(a)(2) (the Malathion Consultation). The Malathion Consultation has been ongoing since that date.

Plaintiffs filed their original case in May 2018. The Plaintiffs amended the complaint on July 25, 2018, and on November 27, 2018 alleging that: (1) EPA violated its procedural duty under ESA section 7(a)(2) to complete consultation and its substantive duty under ESA section 7(a)(2) to avoid jeopardy with respect to 21 malathion-containing pesticide product registrations under the Federal Insecticide Fungicide, and Rodenticide Act (FIFRA), and the FWS violated its procedural duty to complete consultation under ESA section 7(a)(2); (2) these failures constitute unlawfully withheld or unreasonably delayed agency action in violation of Section 706(1) of the Administrative Procedure Act, 5 U.S.C. 706(1); and (3) EPA failed to comply with ESA section 7(d) when it “maintained the registrations of these same pesticide products and continued to reregister and register pesticide products containing malathion.”

Unless one of the contingencies set forth in the proposed stipulated partial settlement agreement occurs (which may result in an extension of time), FWS will issue its Final Biological Opinion and conclude the Malathion Consultation no later than February 28, 2022. Court approval of this stipulated partial settlement agreement would result in the dismissal with prejudice of portions of the claims in Count 1 and Count 2 against Federal Defendants for violation of their ESA section 7(a)(2) procedural duties to complete the Final Biological Opinion. This agreement only resolves EPA’s procedural duties under the ESA section 7(a)(2); claims related to EPA’s substantive ESA section 7(a)(2) duties are not covered. Additionally, claims against EPA for its alleged failure to comply with the ESA section 7(d) requirements are not covered by this agreement. Defendant-Intervenor joins this stipulated partial settlement agreement.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed stipulated partial settlement agreement from persons who are not named as parties to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed stipulated partial settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the ESA or FIFRA. Unless EPA or the Department of Justice determines that consent should be withdrawn, the terms of the proposed stipulation and stipulated notice of dismissal will be affirmed.

**III. Additional Information About Commenting on the Proposed Settlement Agreement**

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2021-0674, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the

submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

**Christopher E. Kaczmarek,**

*Acting Associate General Counsel.*

[FR Doc. 2021-22582 Filed 10-15-21; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OA-2021-0671; FRL-9122-01-OA]

### **National Environmental Justice Advisory Council; Notification for a Virtual Public Meeting**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notification for a public meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency (EPA) hereby provides notice that the National Environmental Justice Advisory Council (NEJAC) will meet on the date and time described below. The meeting is open to the public. Members of the public are encouraged to provide comments relevant to the specific issues being considered by the NEJAC. For additional information about registering to attend the meeting or to provide public comment, please see "REGISTRATION" under **SUPPLEMENTARY INFORMATION**. Pre-registration is required.

**DATES:** The NEJAC will hold a virtual public meeting on Wednesday, November 10, 2021, from approximately 1:00 p.m. to 5:00 p.m., Eastern Time. A public comment period relevant to the specific issues will be considered by the NEJAC during the meeting (see **SUPPLEMENTARY INFORMATION**). Members of the public who wish to participate during the public comment period must pre-register by 11:59 p.m., Eastern Time, one (1) week prior to the start of the meeting date.

**FOR FURTHER INFORMATION CONTACT:** Fred Jenkins, NEJAC Designated Federal Officer, U.S. EPA; please send via email to: [nejac@epa.gov](mailto:nejac@epa.gov) or contact Fred Jenkins at (703) 308-7049. Additional information about the NEJAC is available at <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council>.

**SUPPLEMENTARY INFORMATION:** The meeting discussion will focus on providing information and receiving NEJAC feedback regarding the environmental justice and civil rights compliance elements of the draft of EPA's next multiyear strategic plan as well as other aligned efforts and plans of the agency. The meeting agenda and other meeting support materials including the public comments will be posted in the public docket (Docket no. EPA-HQ-OA-2021-0671) as they become available. The Charter of the NEJAC states that its purpose is to provide independent advice and recommendations to the EPA Administrator about broad, crosscutting issues related to environmental justice. The NEJAC's efforts will include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice.

**Registration:** Individual registration is required for the virtual public meeting. Information on how to register is located <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>. Registration for the meetings is available through the scheduled end time of the meeting day. Registration to speak during the public comment will close at 11:59 p.m., Eastern Time, one (1) week prior to meeting date. When registering, please provide your name, organization, city and state, and email address for follow up. Please also indicate whether you would like to provide public comment during the meeting, and whether you are submitting written comments at time of registration.

## **A. Public Comment**

Every effort will be made to hear from as many registered public commenters during the time specified on the agenda. Individuals or groups making remarks during the oral public comment period will be limited to three (3) minutes. To accommodate the number of people who want to address the NEJAC, only one representative from each community, organization, or group will be allowed to speak. Submitting written comments for the record are strongly encouraged. Submit your written comments, identified by Docket ID No. EPA-HQ-OA-2021-0671 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (e.g., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. The Agency's preferred method for public comment is through the docket system. Written comments can also be submitted by using the webform at <https://www.epa.gov/environmentaljustice/forms/national-environmental-justice-advisory-council-nejac-public-comment>. To submit comments with additional materials, please send via email to: [nejac@epa.gov](mailto:nejac@epa.gov). Submitted written public comments to [nejac@epa.gov](mailto:nejac@epa.gov) will be transferred into the public docket for this meeting by EPA staff. Written comments can be submitted up to two (2) weeks after the meeting date.

## **B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance**

For information about access or services for individuals requiring assistance, please contact Fred Jenkins, via email at: [nejac@epa.gov](mailto:nejac@epa.gov) or contact at (703) 308-7049. To request special