

July 26, 2022

The Honorable Raul Grijalva
Chairman
Natural Resources Committee
United States House of Representatives
Washington, DC 20515

The Honorable Bruce Westerman
Ranking Member
Natural Resources Committee
United States House of Representatives
Washington, DC 20515

Dear Chairman Grijalva and Ranking Member Westerman:

The undersigned organizations write to offer our strong support for the Environmental Justice for All Act (H.R. 2021). We urge committee members to advance this important legislation swiftly to a vote on the House floor. The common sense solutions and long overdue policy fixes in this bill will begin to remedy the long history of environmental racism and injustice in communities around the country that have been forced to endure the disproportionate negative impacts to their health, environment, economic stability and quality of life.

The undersigned organizations work together in principled partnership as members and allies of the Environmental Justice Health Alliance for Chemical Policy Reform and Coming Clean collaborative network.

The Environmental Justice Health Alliance for Chemical Policy Reform (EJHA) is a national collective of grassroots Environmental Justice groups located throughout the United States. Along with our partners, we support a diverse movement towards safe chemicals and a pollution-free economy that leaves no community or worker behind. EJHA organizes direct engagement in industry reform strategies by grassroots organizations in frontline communities to promote just outcomes. EJHA hosts a network and policy platform engaging organizations and individuals in advocacy for communities that are disproportionately impacted by toxic chemicals, from legacy contaminated sites, from ongoing exposure to polluting facilities, and from toxics in consumer products. The EJHA network model features leadership of, by, and for local Environmental Justice groups with participation and support by additional allied groups.

Coming Clean is a nonprofit collaborative of over 150 health, environmental, frontline community, scientific, and other organizations and experts working to transform the chemical industry so they are no longer a source of harm. Coming Clean envisions a world where no community's health, safety, or well-being is considered an 'acceptable' sacrifice to develop energy or to create and dispose of products. Coming Clean collectively works to secure systemic changes that allow a safe chemical and clean energy economy to flourish, and to ensure that our climate and economy are nontoxic, sustainable, and just for all.

Our work together is guided by the [Louisville Charter for Safer Chemicals](#): A Platform for Creating a Safe and Healthy Environment Through Innovation, a vision and set of principles to guide transformation of the chemical industry, backed by policy recommendations. The very beginning of the Charter recognizes that: Justice is overdue for people of color, low-income people, Tribes and Native/Indigenous communities, women, children and farmworkers, who experience disproportionate impacts from cumulative sources. This chemical burden is unprecedented in human history and represents a major failure of the current chemical management system.

The urgent need to address disproportionate and cumulative impacts is a central tenet of the Louisville Charter (endorsed by over 100 diverse organizations across the country). One of the ten foundational principles of the Charter reads:

Prevent Disproportionate Exposures and Hazards, and Reduce Cumulative Impacts on Environmental Justice Communities.

Adopt policies and practices that remedy the disproportionate chemical hazards and exposures faced by communities of color, Tribes and Native/Indigenous communities, and low-income communities, and that address combined burdens of multiple pollutants, multiple sources, and accumulation over time with vulnerabilities that exist in a community. Break down and end discriminatory practices and policies that result in disproportionate and cumulative impacts in these communities. To this end, grassroots, fenceline and environmental justice communities must be at the table when developing and advancing chemical policies at all levels.

The history of cumulative and disproportionate impacts imposed on communities of color, low-income communities, and Native/Indigenous communities is very well documented. Decades of research and evidence were supplemented by a years-long public input process through which disproportionately impacted residents and community organizations detailed the harms and impacts that they experience, and the solutions and remedies that would be most beneficial to them, producing legislation uniquely influenced by the people and communities it seeks to help.

Our organizations strongly support the Act's central elements, which are important steps toward remedying a long legacy of harm, and ensuring the fair treatment and meaningful involvement of all people - regardless of color, culture, national origin, or income - with respect to the development, implementation, and enforcement of health and environmental laws, regulations, and policies.

Some of the urgently needed policy improvements which are addressed in the full version of the Environmental Justice for All Act which we strongly support, include:

- Requiring EPA to consider cumulative health impacts under the Clean Air Act and Clean Water Act.
- Strengthening the Civil Rights Act to restore the ability of individuals and organizations facing the impacts of discrimination to seek legal remedies.
- Providing \$75 million in annual grants for research and program development to reduce health disparities; and improve public health in environmental justice communities.
- Creating an energy transition economic development assistance fund – paid for through new fees on oil, gas and coal companies – to support communities and workers as they transition away from greenhouse gas-dependent economies.
- Supporting access to parks and recreational opportunities that benefit underserved communities.

We commend the cosponsors of the EJ for All Act for their ongoing deep commitment to transparency and engagement with EJ communities and advocates. We have been honored to participate alongside so many other residents, EJ organizations and allies in this process. In the years since the first ever Congressional EJ Forum was held in 2019, Chair Grijalva, Representative McEachin and many other distinguished members of Congress have committed to and carried out an ongoing process of in-person and virtual events to hear feedback directly from impacted communities. In this process some communities identified additional ways this already excellent bill could be strengthened further.

One area where we feel the bill could be strengthened is with regard to the National Environmental Policy Act (NEPA). We strongly support the current language to ensure that communities have a meaningful opportunity to engage in projects that may have significant impacts on their health, quality of life, and environment for years to come. Unfortunately the effectiveness of NEPA has been eroded over the years by a number of categorical exemptions that silence the voices of communities and politically-motivated attacks on the implementing regulations that cause confusion for both communities and NEPA permit applicants.

In order for NEPA to truly protect and engage the public, as Congress originally intended, project applicants **must** consider the environmental and public health impacts in the real world context in which communities live, not in an imaginary vacuum. That means considering **cumulative impacts** of the proposed project, including what other sources of harm exist in the community, as well as socioeconomic factors in the community. Currently cumulative impacts considerations in NEPA is enshrined in the regulations, rather than the statutory text. As we've seen in recent years this can be precarious. Codifying cumulative impacts considerations in law will better protect

communities, and will provide necessary clarity for both neighboring residents and project applicants.

We support further strengthening the EJ for All Act by doing the following when proposing an action that could affect an environmental justice community:

- Codify cumulative impacts considerations under NEPA.
- Require federal agencies to consider cumulative health impacts under laws like the Clean Air Act and Clean Water Act and NEPA in making permitting decisions, and ensure that permits will not be issued if projects cannot demonstrate a reasonable certainty of no harm to human health.
- Eliminate waivers and exemptions to NEPA and other permitting activities. These harmful exemptions shut communities out of processes that will impact them.
- Require protective decision making across the federal government, and under NEPA in particular. After assessing and engaging with communities about the harms they face, the government must make decisions that actually prevent those harms.

Research by EJHA and Coming Clean network members and allies which supports the need for the Act, and the policy solutions contained in it, include:

[Who's in Danger? Race, Poverty, and Chemical Disasters: A Demographic Analysis of Chemical Disaster Vulnerability Zones](#) (published by the Environmental Justice Health Alliance for Chemical Policy Reform, or EJHA) documented that the percentage of Blacks living in fenceline zones near 3,433 high-risk chemical facilities is 75% greater than for the U.S. as a whole, and the percentage of Latinos is 60% greater. The poverty rate in these areas is 50% higher than for the U.S. as a whole.

[Life at the Fenceline: Understanding Cumulative Health Hazards in Environmental Justice Communities](#) (EJHA, Coming Clean, Campaign for Healthier Solutions) found that in several communities that host clusters of hazardous facilities, the fenceline zones near these facilities are disproportionately Black, Latino, and low income, and face multiple health hazards and risks. In addition, the most vulnerable neighborhoods near these facilities (those that are both low income and have low access to healthy foods) are even more heavily and disproportionately impacted.

[Environmental Justice for Delaware: Mitigating Toxic Pollution in New Castle County Communities](#) (Delaware Concerned Residents for Environmental Justice, Union of Concerned Scientists, EJHA, Coming Clean, et al) found that people in seven communities along the industrial corridor in the northern portion of Delaware's New Castle County face a substantial potential cumulative health risk from (1) exposure to toxic air pollution, (2) their proximity to polluting industrial facilities and hazardous chemical facilities, and (3) proximity to

contaminated waste sites. These health risks are substantially greater than those of residents of a wealthier and predominantly White community in Delaware, and for Delaware as a whole.

[Watered Down Justice](#) (National Resources Defense Council, Coming Clean, EJHA) found a disturbing relationship between sociodemographic characteristics—especially race—and drinking water violations. The rate of drinking water violations were found to increase in communities of color, low-income communities, areas with more non-native English speakers and people living under crowded housing conditions, and areas with more people with sparse access to transportation. This report also revealed race, ethnicity, and language had the strongest relationship to slow and inadequate enforcement of the Safe Drinking Water Act. Water systems that serve the communities that are the most marginalized are more likely to be in violation of the law—and to stay in violation for longer periods of time.

The Environmental Justice for All Act is a long overdue response to our nation's failed chemical management policies, and the cumulative hazards and disproportionate harms that have resulted for communities of color, low-income communities, and Native/Indigenous communities. We urge the Committee to begin to correct these injustices and address this legacy of harm, by promptly passing the bill out of Committee and sending it on to the full House of Representatives.

Sincerely,

1. Environmental Justice Health Alliance for Chemical Policy Reform, National
2. Coming Clean, National
3. American Sustainable Business Network, National
4. Center for Food Safety, National
5. Toxic Free North Carolina, Durham, NC
6. PODER, Austin, TX
7. Until Justice Data Partners, Louisville, KY
8. Moms for a Nontoxic New York, Schenectady, NY
9. Clean Production Action, Somerville, MA
10. Center for Progressive Reform, Washington, DC
11. Women's Voices for the Earth, National
12. Center for Environmental Policy and Management, Louisville, KY
13. Buckeye Environmental Network, Ohio
14. Green America, National
15. Los Jardines Institute, New Mexico
16. Concerned Citizens of Wagon Mound and Mora County, Wagon Mound, NM
17. Delaware Concerned Residents for Environmental Justice, Delaware
18. Friends of the Earth U.S., National

19. Northeastern Environmental Justice Research Collaborative, Boston, MA
20. Our Future West Virginia, Charleston, WV
21. North American Marine Alliance, National
22. Farmworker Association of Florida, Florida
23. Farmworker Self-Help, Pasco County, FL
24. Pesticide Action Network, National
25. Locust Point Community Garden, Baltimore, MD
26. Earthjustice, National
27. Pennsylvania Council of Churches, Harrisburg, PA
28. Global Center for Climate Justice, Boston, MA
29. Environmental Data & Governance Initiative, National
30. Healthy Babies Bright Futures, National
31. Healthy Schools Network, National
32. Black Women for Wellness, Los Angeles, CA
33. Breast Cancer Prevention Partners, National
34. West End Revitalization Association WERA, Mebane, NC
35. Alliance of Nurses for Healthy Environments, National
36. CRLA Foundation, Sacramento, CA
37. Texas Environmental Justice Advocacy Services, Houston, TX
38. NYS American Academy of Pediatrics, Chapters 1, 2 & 3, New York
39. Hope CommUnity Center, Apopka, FL
40. Florida Center for Fiscal and Economic Policy, Florida
41. Farmworker Justice, National
42. Alaska Community Action on Toxics, Anchorage, AK
43. Waterway Advocates, Fort Lauderdale, FL
44. Rural Women's Health Project, Gainesville, FL
45. Clean and Healthy NY, Albany, NY
46. Natural Resources Defense Council, National
47. Alianza Nacional de Campesinas, National
48. Center for Biological Diversity, National
49. Worker Justice Center of New York, Inc. , New York
50. Beloved Community Church UCC, Prince Georges County, Accokeek, MD
51. Health Care Without Harm, National
52. Huntington Breast Cancer Action Coalition, Long Island, NY
53. Coalition of 100 Black Women - Central Florida, Central Florida
54. Texas Campaign for the Environment, Texas
55. Informed Green Solutions, Inc., East Charleston, VT
56. As You Sow, Berkeley, CA
57. Union of Concerned Scientists, National
58. Center for Environmental Health, National

59. Prevention is the Cure, Long Island, New York
60. Toxic-Free Future, National
61. PfoaProject NY, Hoosick Falls, NY
62. New York Lawyers for the Public Interest, New York City, NY
63. Agricultural Justice Project, National
64. WE ACT for Environmental Justice, New York, NY
65. National Family Farm Coalition, National
66. Anthropocene Alliance, National
67. Harambee House, Savannah, GA
68. Rubbertown Emergency ACTION (REACT), Louisville, KY
69. Able-differently, Utah
70. California Safe Schools
71. Learning Disabilities Association of America, National
72. Learning Disabilities Association of Alabama
73. Learning Disabilities Association of Arkansas
74. Learning Disabilities Association of Colorado
75. Learning Disabilities Association of Connecticut
76. Learning Disabilities Association of Delaware
77. Learning Disabilities Association of Georgia
78. Learning Disabilities Association of Illinois
79. Learning Disabilities Association of Indiana
80. Learning Disabilities Association of Maine
81. Learning Disabilities Association of Michigan
82. Learning Disabilities Association of New York
83. Learning Disabilities Association of Pennsylvania
84. Learning Disabilities Association of South Carolina
85. Learning Disabilities Association of Texas
86. Learning Disabilities Association of Utah
87. Learning Disabilities Association of Virginia
88. Learning Disabilities Association of Wisconsin
89. Clean Water Action, National
90. New York Sustainable Business Council (NYSBC)
91. Black Millennials for Flint, National
92. Mujeres Luchadoras Progresistas, Salem, OR
93. Lowell Center for Sustainable Production, Lowell, MA
94. Joseph A. Gardella, Jr., Ph.D., SUNY Distinguished Professor of Chemistry, Buffalo, NY
95. Dr. Fatemeh Shafiei, Director of Environmental Studies, Associate Professor of Political Science, Sustainable Spelman Committee Co-chair, Atlanta, GA