

March 21, 2023

United States House of Representatives
United States Senate
Washington, DC 20515

Dear Members of Congress:

We write in support of the A. Donald McEachin Environmental Justice For All Act. We commend Rep. Grijalva and the late Rep. McEachin for creating an inclusive and open process to develop legislation that concretely addresses vast and longstanding inequities in our environmental protections. We also thank Rep. Lee and Senators Duckworth and Booker for their leadership in co-sponsoring the bill. In process and in substance, the A. Donald McEachin Environmental Justice for All Act is a significant step forward to confront the legacy of environmental racism and disparate impacts affecting frontline communities nationwide. We urge committee members to support and advance this legislation as soon as possible.

The A. Donald McEachin Environmental Justice for All Act is the result of a process that prioritizes the voices of the communities most harmed by environmental degradation. It represents a bold and necessary shift in the way we create federal environmental policy— it is the result of a serious and years-long effort to genuinely listen to the expertise and concerns of the very people experiencing the worst of pollution. Its drafters carefully and transparently crafted legislation that reflected those experiences and expertise while creating concrete and significant improvements to our environmental protections systems.

Environmental justice communities – communities of color, low-income communities, and Tribal and indigenous communities, as defined in the bill — continue to experience disproportionate levels of exposure and vulnerability to toxic pollution and environmental risks. To combat this reality, the bill would mandate bold actions that protect the health and safety of communities that are forced to carry the vast majority of the burden from our nation’s historical and current reliance on dirty fuels, toxic substances, and exploitative practices. It also would invest in the same communities so that they can have broader access to cleaner transportation, safer food and green spaces. Moreover, it would redistribute the burden by having the same exploitative industries— oil, gas and coal companies who have profited from poisoning our air and water— pay for these new investments with additional fees.

Notably, the bill would give communities the right to hold polluters accountable in court when these polluters’ actions result in a discriminatory impact. For far too long, polluters have been able to discriminate against people of color, forcing them to prove a discriminatory intent even when the impacts of their actions were clearly racist. The bill recognizes that front-line communities do not live with the intent of the polluters’ racist practices; communities are forced to live with the impacts of those practices and they should have the right to remedy the impacts of this racism in court.

This bill offers a counter to environmental disinvestment by giving environmental justice communities a voice in infrastructure development. The bill restructures current permitting processes so that cumulative impacts are considered properly and consistently as new infrastructure develops in environmental justice communities. The bill also directs federal agencies to seek Tribal government input in the NEPA process, and to ensure that Indian Tribes are invited to hold the status of a cooperating agency for proposed actions that might impact their reservation lands and sacred sites. Further, the bill codifies 2016 EPA guidance on consultation and coordination with Indian Tribes and 1997 Council on Environmental Quality guidance on environmental justice under NEPA. Taking a page from the process used to create the bill, the legislation would ensure that environmental justice communities most impacted by infrastructure projects have influence over the permitting process.

Centered on the simple premise that everyone has the right to drink clean water, breathe clean air, and live without fear of the poisonous effects of toxic chemicals, the A. Donald McEachin Environmental Justice for All Act and the process used to create it, stand as an example to follow and a significant step to end environmental racism. Setting strong new norms, it makes significant investments to limit and clean up the toxic pollution that has plagued environmental justice communities for decades. Concurrently, it invests in the same communities so that they have equitable access to emerging resources and technologies that should be equitably available to them as our nation recommits itself to addressing our health, safety, and the climate crisis.

The undersigned organizations are proud to support the A. Donald McEachin Environmental Justice for All Act. We urge all House Committees with jurisdiction over this legislation to support it as well and to act expeditiously. Thank you for your attention.

Sincerely,

Earthjustice

5 Gyres Institute

Air Alliance Houston

Alaska Community Action on Toxics

Alaska Wilderness League

Alianza Nacional de Campesinas, Inc.

Alliance of Nurses for Healthy Environments

Alternatives for Community & Environment (ACE)

Azul

Better Path Coalition

Beyond Plastics
Black Millennials 4 Flint
Black Women for Wellness
Bold Alliance
Breast Cancer Prevention Partners
CCA EJ
Center for American Progress
Center for Biological Diversity
Center for Coalfield Justice
Center for Environmental Health
Center for Environmental Policy and Management
Center for Oil and Gas Organizing
Ceres, Inc.
Clean Power Lake County
Clean Water Action
Coming Clean
Conservation Lands Foundation
CT Coalition for Economic and Environmental Justice
Dayenu: A Jewish Call to Climate Action
Defend Our Future
Defenders of Wildlife
Earthworks
Eco-Cycle
ECODiversity
EcoLatinos, Inc.
Endangered Species Coalition
Environmental Defense Fund

Environmental Justice Health Alliance for Chemical Policy Reform (EJHA)

Environmental Law & Policy Center

Environmental Law Society at American University

Environmental Protection Information Center - EPIC

Family Farm Defenders

Farmworker Association of Florida

Fenceline Watch

Food & Water Watch

FreshWater Accountability Project

Friends of the Earth

Global Center for Climate Justice

Green New Deal Network

GreenLatinos

Greenpeace USA

Healthy Building Network

Healthy Gulf

Hispanic Access Foundation

IDARE LLC

Fatemeh Shafiei

Inland Ocean Coalition

Interfaith Power & Light

Joyce Lee

League of Conservation Voters

Los Padres ForestWatch

Louisiana Bucket Brigade

Moms Clean Air Force

Moms for a Nontoxic New York

Movement Training Network
National Aquarium
National Community Reinvestment Coalition
National Wildlife Federation
Nature Forward
Ocean Conservancy
Oceana
Operation HomeCare, Inc.
Oxfam America
Parents Engaging Parents (PEPNJ)
People Organized in Defense of Earth and her Resources (PODER)
People's Justice Council
Pesticide Action Network
Plastic Free Future
Plastic Pollution Coalition
Population Connection Action Fund
Rebeles For Laredo
River valley Organizing
Sierra Club
Society of Native Nations
Southern Environmental Law Center
Start:Empowerment
Stockholm Environment Institute
Taproot Earth
Texas Campaign for the Environment
The Center for Progressive Reform
The Climate Reality Project

The Descendants Project
The Last Plastic Straw
The Wei LLC
Together for Brothers (T4B)
Toxic Free NC
Trust for Public Land
Turtle Island Restoration Network
Ubuntu Power Project
Union of Concerned Scientists
V Martin Environmental Justice consultant LLC
Voices for Progress
WE ACT for Environmental Justice
West End Revitalization Association WERA
Western Environmental Law Center
Western Organization of Resource Councils
Winter Wildlands Alliance
Wisconsin EcoLatinos
Zero Hour
NextGen America
Buckeye Environmental Network