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July 27, 2011

RE: Please Vote NO on H.R. 2584 – An Unprecedented Attack on Public Health

Dear Representative:

The Interior, Environment, and Related Agencies Appropriations Act, FY 2012 (H.R. 2584) makes financial cuts and legislative decisions that compromise the health of communities across the country, especially environmental justice communities that are disproportionately impacted by pollution. **We are writing to ask that you vote “No” on this irresponsible piece of legislation and the onslaught of amendments that will further jeopardize the health of communities of color, tribal and low-income communities.**

The following items are measures contained within this appropriations bill that will adversely and disproportionately impact environmental justice communities. We expect even more health compromising amendments to come.

BUDGET CUTS

- Zeros-out EPA CARE grants
- Zeros-out EPA’s Smart Growth Program
- Zeros-out the EPA-led Urban Waters initiative
- Cuts EPA’s State Revolving Funds for upgrading drinking water systems and wastewater facilities by 55 percent

RIDERS

- **Section 428 – Prohibition on Use of Funds**
Prohibits the EPA from creating or implementing regulations that would require emissions permits be issued for various pollutants associated with livestock production.
- **Section 429 – Greenhouse Gas Reporting Restrictions**
Blocks the EPA from implementing a rule that requires mandatory reporting of greenhouse gases from manure management systems.
- **Section 431 – Stationary Source Greenhouse Gas Prohibition**
Prohibits the EPA from limiting harmful carbon pollution from large industrial polluters.
- **Section 432 – Stream Buffer**
Restricts the EPA from implementing standards to protect streams from pollution caused by coal mining run-off and waste.
- **Section 433 – Enhanced Coordination Restrictions**
The EPA estimates that mountaintop removal mining has destroyed 2,000 miles of Appalachian streams, and this rider limits the ability of the EPA to review mountaintop removal permits that bury streams under tons of mining waste.
- **Section 434 – Coal Combustion Ash**
The EPA has been undergoing a public rulemaking process to set the first-ever standards for toxic coal ash disposal. This rider proposes to end this public rulemaking process, which garnered more than 450,000 individual comments from across the country, by restricting the EPA's ability to move forward with the finalization of a rule based on the best available science and public input.
- **Section 435 – Waters of the U.S.**
This rider would stop the EPA's work to determine which of the waters that 117 million Americans rely on for their drinking water should remain protected by the Clean Water Act; it would also put at risk communities subject to flooding and the quality of the waters where people fish.
- **Section 439 – Stormwater Discharge**
This rider restricts the EPA from updating stormwater discharge regulations or permits to manage runoff from post-construction sites, further compromising clean water standards, especially in urban communities.
- **Section 441 – Flexible Air Permitting Programs**
This rider specifically enables the state of Texas to have a free pass to violate the Clean Air Act, compromising the health of hundreds of thousands of Texans and others across the country.
- **Section 443 – Air Emissions from Outer Continental Shelf Activities**
This rider restricts the EPA's ability to regulate toxic air emissions from offshore drilling activities in the Eastern Gulf of Mexico as well as the Atlantic, Pacific and Arctic Oceans.
- **Section 444 (a) & (b) – Integrated Risk Information System (IRIS)**
These subsections would require excessive and unnecessary review of IRIS assessments by the National Academies of Science (NAS) and block the EPA from completing additional assessments, which are needed to initiate or improve clean-up of contaminated waste sites and reduce exposures to some of the most dangerous and widespread chemicals.
- **Section 444(c) – Integrated Risk Information System (IRIS)**
This subsection of the Integrated Risk Information System (IRIS) rider would halt the EPA's work to update clean air standards for ozone, particulate matter and other air pollutants if "background" levels are **ever** higher than the standards anywhere in the country.

- **Section 453 – Mobile Source Emissions**

This rider removes the EPA’s ability under the Clean Air Act to implement vehicle fuel economy and greenhouse gas emission standards for cars made after model year 2016.

- **Section 454 – Particulate Matter**

Restricts the EPA’s ability to update the PM 10, or soot, standard which is a known trigger for heart disease, asthma and other debilitating respiratory diseases and currently falls short of protecting public health.

- **Sec. 455 – Financial Assurance**

This rider prohibits the EPA from ensuring that hardrock mining companies, chemical manufacturers, and electric utilities post bonds sufficient to cover the often costly environmental cleanup of their polluted sites. This means American taxpayers, not the polluters, would be responsible for footing the bills for cleanup.

- **Section 461 – Ammonia Regulation Funding Prohibition**

This rider prevents the EPA from setting an ammonia standard under the Clean Air Act. Communities nearby factory farms and combined animal feeding operations (CAFOs) are disproportionately at risk.

- **Section 462 – Regulatory Economic Analysis**

This broad rider delays implementation of the EPA’s Mercury and Air Toxics standard for power plants and Cross-State Air Pollution rule and requires unnecessary regulatory economic analysis of these rules and others (e.g. Boiler and Incinerator Maximum Achievable Control Technology, coal ash disposal, etc).

AMENDMENTS – VOTE NO

- **Amendment #1 – Representative Cole (R-OK)**

Prohibits funds to be used to implement a rule, regulation or executive order requiring political contribution disclosure.

- **Amendment #16 – Representative Latham (R-IA)**

Prohibits the EPA from collecting water pollution information from industrial livestock facilities (also known as “factory farms,” or “concentrated animal feeding operations”) that is necessary to refine its regulation of these operations and to ensure that these operations are complying with current effluent limitations and standards.

- **Amendment #33 – Representative Austin Scott (R-GA)**

Prohibits the EPA from using any funds for climate change research, activities, or programs.

- **Amendment #34 – Representative Terry (R-NE)**

This rider curtails citizen access to the courts if the injured party is seeking non-monetary relief, such as those seeking to enforce their Constitutional rights to religious freedom and free speech, or statutory rights to clean water and clean air.

- **Amendment #38 – Representative Pompeo (R-KS)**

Weakens Section 429 even further by blocking the EPA from implementing **ANY** rule that requires mandatory reporting of greenhouse gases.

EXPECTED AMENDMENTS – VOTE NO

- **Ozone Standard** – amendment to prohibit EPA from creating a more protective ozone pollution standard.

- **Incinerators and Boilers Maximum Achievable Control Technology (MACT) Standard** – amendment to delay EPA’s final standard or prohibit the EPA from using funding to implement this standard, which drastically reduces toxic mercury and particulate matter pollution from industrial burners and incinerators.
- **EPA’s Environmental Justice Program** – amendment to remove funding from EPA’s environmental justice program.

Many of the air pollution riders are efforts to further delay implementation of regulations that were required under the 1990 amendments Congress passed to the Clean Air Act. As a result of the twenty year postponement, tens of thousands of people in environmental justice communities across the nation have paid for the delay with their lives. Excess rates of mortality in environmental justice communities from respiratory disease and heart disease – triggered by exposure to alarming levels of toxic air pollutants – have been well documented by every branch of our nation’s public health establishment.

Communities living in the Appalachian region of our country have been crying out for increased enforcement of our nation’s environmental laws to protect their health and environment from the destructive impacts of coal mining and burning. The riders in this appropriations bill silence those voices, giving the coal industry a free pass to further harm public health.

The Interior, Environment, and Related Agencies Appropriations Act, FY 2012 (H.R. 2584) is not merely an attempt to push EPA’s appropriations back to 2004 funding levels. It is an attempt to thwart EPA’s statutory authority to protect human health and the environment and to enforce our nation’s environmental laws. Communities of color, Indigenous and low-income communities already experience adverse impacts from environmental assaults of every kind. This proposed funding bill would only widen the gap in health disparities and elevated mortality levels these communities already endure.

Please side with the people, especially those most at risk, rather than protecting polluters by voting “NO” on H.R. 2584 and any amendments that undermine the health and safety of the American public.

Sincerely,

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