

February 14, 2022

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

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

Dear Chairman Grijalva and Ranking Member Westerman:

We write in support of the Environmental Justice for All Act (H.R. 2021). We commend Chairman Grijalva and Rep. McEachin for creating an inclusive and open process to develop legislation that concretely addresses vast and longstanding inequities in our environmental protections. In process and in substance, the 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 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 redistributes 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.

Many attempts were made over the last few years to violate or dismantle bedrock environmental protections like the National Environmental Policy Act (NEPA), but this bill offers a counter 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 Environmental Justice for All Act and the process used to create it, stand as an example to follow and 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 Environmental Justice for All Act. We urge all House Committees with jurisdiction over this legislation to support it as well and to act expeditiously in order to bring this important bill to the House floor. Thank you for your attention.

Sincerely,

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