

# STATEMENT OF PRINCIPLES FOR ENVIRONMENTAL JUSTICE LEGISLATION



**All people have the right to pure air, clean water, and an environment that enriches life. For too many, these rights are still unrealized, and that injustice creates a pattern of continuous suffering for environmental justice communities.**

Across the nation, our air and water are being polluted with impunity, at great consequence to our health and environment. Communities that have borne the brunt of this pollution are now on the front lines of climate change, often getting hit first and worst. Too often, our government has turned a blind eye—more so in some communities than in others. To help address these long-standing wrongs, Congress must advance bold environmental justice legislation. At a minimum, this legislation must:

- ***Strengthen the Civil Rights Act of 1964 to ensure that citizens can enforce their rights against environmental discrimination.*** Communities of color, low-income communities, Tribal and indigenous communities, rural communities, and other underserved populations are disproportionately burdened by environmental hazards in the United States. Too often, landfills, waste sites, damaging resource extraction activities, and other harmful projects are placed in these communities and operated in a manner that causes disproportionate environmental harm and risks to human health. These disproportionate impacts—which include intentional, implicit, unconscious, systemic, and structural discrimination—are illegal under Title VI of the Civil Rights Act of 1964. Unfortunately, in the *Alexander v. Sandoval* decision, the Supreme Court overturned decades of precedent in order to prohibit private citizens, residents, and organizations from seeking access to justice through courts to enforce their Title VI rights in the face of discrimination. Environmental justice legislation must strengthen Title VI protections to ensure that citizens can use this important mechanism to seek legal remedy when faced with discrimination.
- ***Ensure that project decisions fully reflect on-the-ground realities and cumulative impacts.*** Currently, federal and state governments often regulate pollution at the individual project level. As a result, permitting decisions under the Clean Air Act, the Clean Water Act and many other laws do not sufficiently contemplate an area's cumulative pollution levels, resulting in dangerous environmental and health impacts. Congress must require that federal and state decision-making consider proposed projects' impacts in the full context in which they would be constructed or carried out.
- ***Codify and bolster Executive Order 12898 on environmental justice.*** The 1994 Executive Order directed each federal agency to identify and address the “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations” to the greatest extent practicable and permitted by law. The Executive Order must be strengthened and codified into law so that the current and future administrations cannot weaken or rescind it.

- **Strengthen the National Environmental Policy Act to promote environmental justice, health equity, and environmental quality.** The National Environmental Policy Act (NEPA) requires federal agencies to analyze the potential environmental consequences of major federal actions and consider public input before any major actions are taken. When used effectively, NEPA can help prevent a disproportionate share of polluting projects from being sited in overburdened communities. The existing NEPA process should be strengthened to expand opportunities for public involvement in the federal decision-making process by increasing the visibility and accessibility of the public hearing process and other opportunities for input. Federal agencies should be required to increase public comment periods, conduct public hearings, and translate information about proposed projects into languages other than English when major polluting projects are being contemplated in overburdened communities.
- **Direct federal agencies to develop and enact comprehensive agency-wide environmental justice strategies and implementation plans.** All federal agencies must be required to develop effective environmental justice and health equity strategies that identify and address any disproportionately adverse environmental effects of their programs and practices on communities of color, low-income communities, Tribal and indigenous communities, rural communities, and other underserved populations. Incentives and enforcement measures must be robust in order to ensure that agencies properly manage their environmental justice and health equity responsibilities.
- **Establish an Interagency Working Group on Environmental Justice Compliance and Enforcement.** An Environmental Justice Compliance and Enforcement Working Group should advise and assist federal agencies in identifying and addressing environmental justice issues, providing direct guidance, technical assistance, and accessible data to local communities and environmental justice organizations, and engage with state, tribal, and local governments to address pollution and public health burdens in front-line and fence-line communities.
- **Codify into law the National Environmental Justice Advisory Council and provide the staffing and resources to sufficiently fulfill its responsibilities and duties.** The Advisory Council should be composed of members with knowledge or experience relating to environmental conditions in communities of color, low-income communities, Tribal and indigenous communities, rural communities, and other underserved populations.
- **Help environmental justice, health equity, and civil rights organizations build capacity through federal community grants.** Robust federal community grants should be available to help environmental justice, health equity, and civil rights groups, as well as states, Tribes, and universities, to identify and implement culturally and linguistically appropriate projects to address environmental and public health issues and support projects that benefit the community. Grants should also help provide scientific and technical assistance so that underserved communities have a detailed understanding of the potential environmental and public health threats they face when federal, state, and local decisions are being made. This includes decisions about whether to permit a dangerous activity or where to site a hazardous project.





- **Require federal agencies to offer training in environmental justice to the federal workforce.** A federal training program should ensure that agency staff are best prepared to incorporate environmental justice concepts into their work. Such trainings should focus on educating officials and staff about the disproportionate impacts faced by environmental justice communities and stress the need to minimize harm to these populations. Ensure government entities communicate to environmental justice communities the rights and safeguards currently available to them. This includes community outreach and informational training sessions to inform the public about the tools and laws in place to address disparate impacts and environmental discrimination.
- **Support a fair and just transition to a clean energy economy for all communities and workers.** As our economy and energy supply transition away from greenhouse gas-intensive industries that put workers, communities, and the environment in harm's way, we must help communities and workers transition to new, safer industries. A just transition ensures that workers are offered the necessary resources, training, and benefits to work in new fields. This includes programs designed to promote economic development in communities affected by downturns in fossil fuel extraction.
- **Ensure more equitable access to parks, outdoor spaces, and public recreation opportunities for communities of color, low-income communities, Tribal and indigenous communities, rural communities, and other underserved populations.**
- **Recognize the human right to safe, clean, affordable, and accessible drinking water for all people.**

Chairman Grijalva and Congressman McEachin look forward to working with you to draft and advance sweeping environmental justice legislation that best reflects your needs and priorities. Together, we can provide protections for all communities from harmful pollution and ensure that all voices are heard in decision-making processes.

