



August 19, 2021

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
House Minority Leader
U.S House of Representatives
2468 Rayburn House Office Building
Washington, DC 20515

The Honorable Leader Schumer
Senate Majority Leader
U.S. Senate
322 Hart Senate Office Building
Washington DC 20510

The Honorable Mitch McConnell
Senator Minority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, D.C. 20510

Dear Speaker Pelosi, Senate Majority Leader Schumer, House Minority Leader McCarthy, Senate Minority Leader McConnell:

We are members of the Environmental Justice Leadership Forum, individuals and organizations who are environmental equity leaders in our communities. We are writing to share our deep concern regarding H.R. 3684 - Infrastructure Investment and Jobs Act and to offer environmental justice investment recommendations for the budget reconciliation package.

While we are pleased to see funding for resilience, workforce development, pollution, and Superfund remediation, we have concerns related to:

- the National Environmental Policy Act (NEPA).
- false clean energy solutions.
- water infrastructure (pipelines, safe drinking water, sewer connections and lead pipe removal).
- electric vehicle infrastructure.
- broadband infrastructure.
- air quality monitoring infrastructure.
- the Justice40 Initiative.

Specifically, we ask that you work to ensure that the following provisions, technologies, and projects **are not included** in any final version of the infrastructure package:

National Environmental Policy Act (NEPA)

NEPA is designed to ensure that agencies and departments consider the significant environmental consequences of their proposed actions and inform the public about their decision-making. However, provisions in H.R. 3684:

- suppress public input by placing arbitrary time and page limits on health and environmental impact reviews (Section 11301) and render the review process meaningless (Section 11315).
- extend categorical exclusions that would allow states to exclude harmful projects from review and scrutiny (Section 11314).



- extend categorical exclusions for projects that receive less than \$6 million in federal funding or cost less than \$30 million (Section 11317), and for natural gas, oil, wastewater pipeline, compressor station and pump station projects on federal or Indian land (Section 11318). Both can present safety and environmental hazards.
- establish categorical exclusions for the creation of fuel breaks on up to 3,000 acres of federal lands – without detailed environmental analysis and public input, this is likely to increase rather than decrease wildfire risk, and under this provision, prescribed management activities such as application of pesticides and vast timber cuts could occur without public disclosure and scrutiny (Section 40806).
- limit environmental review of mines, in turn shortening the already troubling permitting process for large hardrock mines and encouraging more toxic mines given truncated environmental review and little feedback from communities (Section 40206).
- reauthorize FAST-41, which created a shortened permitting process for determining community impacts; diminished consideration of alternative approaches; weakened public input processes; and reduced access to courts for remedies. All of this will severely undermine the efficacy of bedrock environmental laws (Section 70801).

We oppose any efforts to exclude us from decision-making processes, constrict our input and dull our perspectives.

False Clean Energy Solutions

We deem any energy source that increases pollution burden, expands fossil fuel reliance or infrastructure, or exacerbates health risks as a “false solution.” Such approaches include (but are not limited to):

- industrial carbon capture and sequestration
- direct air capture
- geoengineering
- bioenergy
- Incineration
- cap and trade/carbon pricing
- nuclear energy
- landfill gas
- climate smart agriculture
- agriculture and soils offsets
- liquified natural gas
- fossil fuel heat waste
- hydrogen
- “clean” coal and coal waste.

We consider these to be “false solutions” because they are likely to perpetuate environmental injustice and health inequities such as respiratory disorders, cancer, cardiovascular disease, autoimmune disorders, and fertility issues. In addressing our climate crises, **we oppose any funding towards false “clean” energy solutions that will increase pollution burden in environmental justice communities. Instead of funding these false solutions, those monies should be allocated to distributed energy resources for wind and solar renewable energy, with 40 percent earmarked for frontline communities.**

Additionally, **we oppose financing of the Alaska Liquefied Natural Gas export terminal, and any oil and gas development in The Arctic National Wildlife Refuge.** Both efforts will further damage Alaska native and local communities. Separately, no time or taxpayer money should be spent justifying projects that are rooted in legitimate and sound climate concerns and solutions. As President Biden has denied the permit for the Keystone XL pipeline due to climate concerns, relitigating and commissioning a report on job loss and impacts on consumer energy costs is a waste of taxpayers’ money.



Furthermore, we ask that you work to ensure the following areas **are adequately funded** in any final budget reconciliation package:

Water Infrastructure

Aging water infrastructure poses a variety of threats to water quality and human health. Even with laws like the Safe Drinking Water Act, it is estimated that 27 million Americans are served by non-compliant water systems, and flooding events (which are forecast to become increasingly frequent and devastating) increase exposure to chemical contaminants via sewage and submerged wastewater treatment plants.

H.R. 3684 earmarks \$15 billion for lead service line replacement, which will only address 25 percent of lead service lines (and leave 75 percent of the existing lines untouched) and resign multiple generations to compromised health. Hundreds of billions are needed to ensure that low-income communities, communities of color, and tribal nations and communities have access to safe drinking water and sewage line installation. Your investment decisions must be guided and undergirded by the moral imperative that in many of these communities, access to safe and clean water has been an entirely unfulfilled obligation. And though lead pipe replacement must be prioritized, it should not come at the expense of addressing other water infrastructure concerns such as sewage access and backups.

We support fully funding lead service line replacement while addressing equally important concerns around both drinking water and sewage infrastructure. The 2020 Clean Water for All Act estimates that \$680 billion must be allocated for this work, however, this number does not fully incorporate tribal needs.

Electric Vehicle infrastructure

As the country aims to transition to electric vehicles, charging infrastructure must be adequate, accessible, and strategically placed (i.e., close to homes, commerce centers, offices, etc.). **We urge Congress to increase funding for electric vehicle infrastructure by at least \$77 billion.**

Broadband Infrastructure

As rural communities become more dependent on the internet for communication and enterprise, it is vital that they receive adequate funding to expand broadband. While the \$65 billion outlined in H.R. 3684 is a start, more funding is needed, and **we champion ensuring that these communities have the necessary infrastructure and affordable service options.**

Air Quality Monitoring Infrastructure

Lower income families, communities of color, and tribal nations and communities disproportionately suffer and die from the long-term, cumulative health consequences and complications associated with toxic air pollution. Unfortunately, in too many communities and at too many polluting facilities, air quality monitoring is inadequate or wholly absent. **We believe that Congress should allocate \$500 million (at the very minimum) to expand air quality monitoring and protect fenceline communities.** Critical investments include:

- \$150 million to deploy and maintain continuous fenceline air monitoring at the 100 highest-priority industrial sources that emit hazardous air toxins, using the best available technology (including National Air Toxics Trend Stations) while prioritizing compliance with the Clean Air Act and accident prevention.
- \$18 million to ensure fenceline monitoring and continuous emission monitoring are core components of national emission standards for chemical, petrochemical, and other sources of fugitive toxic air pollution and assure compliance with pollution limits.
- \$75 million to rapidly expand the National Ambient Air Quality Standards (NAAQS) or national ambient air monitoring network by adding at least 80 new NCore multipollutant monitoring stations in highly impacted communities (ex. frontline communities with a high preponderance of



asthma and other health conditions), and requiring the EPA to assess the network status, submit a plan to address all failing monitors, and repair and maintain broken or failing monitors.

- \$3 million to distribute at least 1,000 new, low-cost mobile air quality sensors in the communities most affected by air pollution to boost and complement the NAAQS monitoring network and increase access to information about local air quality; additionally, because an important part of strengthening our infrastructure is having health endpoints data, and capturing and consulting community-managed research, the EPA should be directed to promulgate a rule that provides criteria and procedures for certifying mobile sensors and comparing sensor readings to applicable national ambient air quality standards.

Justice40

We are pleased to see investment in addressing legacy pollution with the cleanup, remediation, and restoration of abandoned wells, mines and Superfund sites (which, historically, has been slower in low income communities). Consistent with Executive Order 14008, 40 percent of the improvements funded by the budget reconciliation package should further environmental justice aims and benefit lower income communities, communities of color, and tribal nations and communities. To remedy the inequities in environmental damages and impacts, **we believe that the budget reconciliation package must include language that prioritizes funding for cleanup, remediation, and restoration of Superfund sites in lower income communities, communities of color, and tribal nations and communities. Also, jobs created through funded infrastructure projects should favor communities that are transitioning away from coal.**

We see the infrastructure and budget reconciliation packages as complementary processes and ask that you finalize the committee budgets for both prior to taking a vote on H.R. 3684. In addition, the public must be given the opportunity to scrutinize and evaluate, and then, offer comment and input on budget reconciliation language.

Thank you for your consideration – as you move through the infrastructure and budget reconciliation processes, we once again ask you to ensure that harmful NEPA and false clean energy solution provisions do not advance, and that much needed environmental justice programs are fully funded to ensure cleanup, remediation, and restoration in lower income areas, communities of color, and tribal nations and communities.

Sincerely,

Arbor Hill Environmental Justice
CleanAirNow
Connecticut Coalition for Environmental Justice
Flint Rising
Harambee House, Inc
The Imani Group
Indigenous Environmental Network
Jesus People Against Pollution
North Carolina Climate Justice Collective

North Carolina Environmental Justice Network -
Partnership for Southern Equity
People for Community Recovery
PODER
Tallahassee Food Network
Texas Environmental Justice Advocacy Services
(TEJAS)
WE ACT for Environmental Justice
West End Revitalization Association (WERA)

CC:

Office of President Joseph R. Biden
Office of Vice President Kamala Harris
Members of Congress