

May 25, 2023

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

As Environmental Justice advocates and allies with hundreds of collective years of leadership and toil on behalf of our communities, we urge you to **reject** House Republican demands to include a harmful permitting rider in must-pass legislation to raise the debt ceiling.

House Republicans have taken the U.S. economy and families' livelihoods hostage as they brazenly risk an unprecedented U.S. government default on paying its bills to extract extremist concessions. This dirty deal is being negotiated behind closed doors, outside of proper government process and the view of our families and communities who it will deeply impact. This stands in sharp contrast to the principled process we have been undertaking for several years with sponsors of the A. Donald McEachin Environmental Justice for All Act<sup>1</sup> and the historic Statement of Principles for Environmental Justice<sup>2</sup>. If passed, this deal will only make it easier for the fossil-fuel industry to site polluting projects in our communities and perpetuate the industry's practice of concentrating destructive projects in communities of Color and low-wealth communities. Instead of rolling back the few protections we have, we urge you to prioritize addressing a legacy of policies that have perpetuated environmental racism and systemically overburdened communities of Color, Tribal Nations and Indigenous Communities, and low-income communities with our nation's pollution and environmental degradation. We urge you to lead Congress and the country in defense of transparency, accountability, access to justice through the courts, and the right for communities to speak for themselves and to be heard through public input mechanisms afforded under our laws.

The nation is finally waking up to the plight of environmental justice communities ("EJ communities") demanding fair treatment after decades of unequal protection from dangerous environmental pollution. The disparity experienced by communities lacking access to clean water, clean air, and healthy local environments is not random or coincidental; it is by policy design and its impact is pernicious. Environmental racism crises will continue in communities around the United States until Congress acts to provide communities with the tools and resources to achieve equitable and just outcomes for overburdened and historically marginalized communities. The permitting changes proposed by House Republicans do not provide our country with the tools and resources to achieve environmental justice or address climate change. The permitting provisions accelerate the climate crisis and environmental racism by railroading more fossil fuels projects through our communities without their consent.

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<sup>1</sup>A. Donald McEachin Environmental Justice for All Act, S.919, 118th Congress (2023-2024).

<sup>2</sup> The First National Environmental People of Color Environmental Leadership Summit, *The Principles of Environmental Justice*, <https://www.weact.org/wp-content/uploads/2021/02/ejprinciples.pdf> (October 1991).

Further, the signatories, a broad coalition of environmental justice advocates, frontline communities, and allied organizations are broadly supportive of clean, renewable, transmission infrastructure that is needed to achieve climate goals and combat fossil-fuel reliance. We acknowledge the urgency of this moment - clean, renewable energy must be brought online rapidly, to increase grid reliability and resiliency, deliver on promises of the Inflation Reduction Act and other appropriations, and restore the country's interregional transmission system. What is equally true and important is that front and fence line communities, environmental justice communities, and Tribal Nations and Indigenous Communities, *must not be sacrificed or harmed in the process*. Key protections and best practices such as first, early, and ongoing engagement, meaningful and substantive communication, robust cumulative impacts assessments, intentional requirements to assess, minimize, and avoid environmental and social impacts in overburdened communities, and free, prior, and informed consent are central to an equitable and just buildout. The EJ Community is hard at work, in partnership with allied organizations, to advance these ideals in this critical moment. Usurping the process through rushed agreements and closed door deals in must-pass legislation would greatly undermine that effort.

Let us be clear, Mr. President, EJ Communities *deserve* just, equitable, and progressive improvements to the environmental review process. EJ communities *deserve* the cumulative pollution burden on communities to be considered and abated before project or permit approvals are given, such as the language included in Section 7 of the A. Donald McEachin Environmental Justice For All Act<sup>3</sup>. EJ Communities *deserve* ample opportunity to consider, analyze, and comment on major federal actions under the National Environmental Policy Act ("NEPA"), as Section 15 of the A. Donald McEachin Environmental Justice for All Act provides. EJ communities deserve freedom from unlawful environmental discrimination with the restoration of the longstanding right to access the courts and enforcement of the Civil Rights Act of 1964. Lastly, we deserve accountability from agencies charged with protecting our public health and environment. These specific legislative aims are the core of what is truly needed.

Let us also be clear, Mr. President, the "permitting reform" proposals in H.R. 1 and similar proposals undermine the reforms we need and perpetuate injustice for our communities.<sup>5</sup> The bill greatly restricts access to the courts to enforce every federal environmental and public health law that we have; weakens public disclosure and public comment requirements; and helps advance proposed projects that will no doubt pollute EJ Communities already overburdened with a disproportionate share of our nation's pollution as the consequences of decades of environmental injustice, racism, and discrimination.

Frontline communities experiencing historical environmental injustice stand with this administration in championing the idea of a better tomorrow. They deserve the right to see real progress in addressing America's historical crisis of environmental injustice. The conversation around environmental justice has taken on more urgency and seriousness from policymakers at the most on-the-ground levels of municipal governance all the way up to the White House. You have promised to pursue a federal energy policy that doesn't continue a legacy of harming communities overburdened by toxic pollution and environmental hazards. We want to stand by lawmakers as they right the policy wrongs of the past and present; but we cannot do that in the

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<sup>3</sup> A. Donald McEachin Environmental Justice for All Act, S.919, 118th Congress (2023-2024).

<sup>4</sup> *Id.*

<sup>5</sup> Lower Energy Costs Act, H.R.1, 118th Congress (2023-2024).

face of secret back-room deals, and lawmaking by ransom that threatens a debt ceiling crisis over destructive riders wholly unrelated to the debt ceiling or federal budget.

Mr. President, we urge you to exclude the harmful provisions from a debt ceiling or budget deal, or any other must-pass legislation. We encourage you to pursue meaningful permitting changes that strengthen community participatory decision-making and foster democratic participation and governance – not changes that stifle public input, silence communities, and impose onerous barriers and restrictions to stop communities from accessing the courts to seek justice and enforce the law.

Signed:

#### EJ Leaders

- Peggy Shepard, WE ACT for Environmental Justice
- Angelo Logan
- Arif Ullah, South Bronx Unite
- Ashlee Thomas, GTGT Group
- Benjamin Hoffman, Sunrise Movement New Orleans
- Juan Jhong-Chung, Michigan Environmental Justice Coalition
- Krystal Two Bulls, Honor the Earth
- Mark Magaña, GreenLatinos
- Michele L. Roberts, Environmental Justice Health Alliance
- Monica Atkins, Bineshi Albert, & Marion Gee, Climate Justice Alliance
- Paulina Lopez, Duwamish River Community Coalition
- Rev Michael Malcom, People's Justice Council
- Russell Chisholm, Protect Our Water, Heritage, Rights
- Shanna Edberg, Hispanic Access Foundation

#### Tribal Leaders and Tribal Organization

- Beata Tsosie, Breath of My Heart Birthplace
- Indigenous Environmental Network

#### Allied Organizations

- Alaska Wilderness League
- Alliance of Nurses for Healthy Environments
- Businesses for a Livable Climate
- California Interfaith Power & Light
- CatholicNetwork US
- Center for Biological Diversity
- Center for Oil and Gas Organizing
- Center for the Urban Environment of the John S. Watson Institute for Urban Policy and Research at Kean University

- Climate Hawks Vote
- Communities United by Water
- Concerned Citizens for Nuclear Safety
- Creation Justice Ministries
- Dayenu: A Jewish Call to Climate Action
- Earthjustice
- Earthworks
- ECODiversity Alliance
- Endangered Species Coalition
- Food & Water Watch
- Fossil Free Media
- Friends of the Earth
- Grassroots Global Justice Alliance
- Gen-Z for Change
- Greenpeace USA
- Hip Hop Caucus
- Interfaith Power & Light
- League of Conservation Voters
- Natural Resources Defense Council
- New York Lawyers for the Public Interest
- Oil Change International
- Our Revolution
- Our Revolution Michigan
- Property Rights and Pipeline Center
- RapidShift
- Sierra Club
- Stop the Oil Profiteering
- Sunrise Movement New Orleans
- Taproot Earth
- Texas Campaign for the Environment
- The Vessel Project of Louisiana
- The Wilderness Society
- Tishman Environment and Design Center
- Unitarian Universalist Church of Indianapolis Green Team
- Unitarian Universalists for Social Justice
- Waterkeeper Alliance
- Women's March Ann Arbor
- Zero Hour

CC:

Steve Ricchetti, Counselor to the President

Director Shalanda Young, Office of Management and Budget

Director Louisa Terell, White House Office of Legislative Affairs

John Podesta, Senior Advisor to the President for Clean Energy Innovation and Implementation