



To: House Committee on Natural Resources Republican Members
From: Natural Resources Committee Republican Staff,
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Meghan Holland (Meghan.Holland@mail.house.gov)
Date: February 7, 2022
Subject: Remote Oversight Hearing on “*Justice, Equity, Diversity, and Inclusion in Environmental Policy Making: The Role of Environmental Organizations and Grantmaking Foundations*”

The Committee on Natural Resources will hold an oversight hearing titled, “*Justice, Equity, Diversity, and Inclusion in Environmental Policymaking: The Role of Environmental Organizations and Grantmaking Foundations*,” on **Tuesday, February 8, 2022, at 10:00 a.m. EST** via Cisco WebEx.

Member offices are requested to notify Sang Yi by **4:30 p.m. EST on Monday, February 7, 2022**, if their Member intends to participate in this full committee hearing from his/her laptop in the committee room or remotely from another location. Submissions for the hearing record must be submitted through the Committee’s electronic repository at HNRCDocs@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (EverettWinnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Republicans can use this opportunity to highlight how policies advocated by many environmental groups adversely impact the communities the environmental justice movement seeks to protect.
 - For example, while environmental groups advocate for restricting federal oil and gas development, this contributes to energy unaffordability for American families.
 - Democrats’ plans to “protect” lands has adversely affected Native Americans’ property rights and ability to make a living.
- Voices from communities that the environmental justice movement purportedly represents are not monolithic, and some hold experiences contrary to the positions held by many environmental groups.

II. WITNESSES

- The Honorable Mark A. Freeland, Council Delegate, 24th Navajo Nation Council
- Mr. Abdul Dosunmu, Campaign Manager, Climate Funders Justice Pledge, Donors of Color Network
- Mr. Peter Forbes, Co-Founder, First Light, Vermont
- Ms. Keya Chatterjee, Executive Director, US Climate Action Network

III. BACKGROUND

In previous hearings, Democrats addressed justice, equity, diversity, and inclusion (JEDI) through the lens of environmental justice.¹ The title of this hearing, however, indicates a focus on environmental organizations, which recently faced criticism for a lack of diversity² and a failure to represent the needs of local communities.³

In 2014, Dr. Dorceta Taylor published a report revealing a lack of diversity within the U.S. environmental nonprofit sector.⁴ Her findings spurred efforts to increase workforce transparency of environmental organizations. For example, Green 2.0 began publishing transparency report cards describing the diversity statistics for staff of these groups.⁵

Not only have environmental groups been criticized for a lack of diversity, reports uncovered many had unsafe workplaces. For example, The Nature Conservancy was found to have a culture of gender discrimination, sexual harassment, and racial disparities.⁶ Additionally, the National Audubon Society's staff raised accusations of workplace intimidation and threats.⁷ Further, an audit at the Defenders of Wildlife revealed a culture

¹ See e.g. *Oversight Hearing: Environmental Justice for Coal Country: Supporting Communities Through the Energy Transition Before the Subcomm. on Energy and Mineral Res. of the H. Comm. on Nat. Res.*, 117th Cong. (2021); *Oversight Hearing: Environmental Justice in Indigenous Communities Before the Subcomm. for Indigenous Peoples of the United States of the H. Comm. on Nat. Res.*, 116th Cong. (2021); *Oversight Hearing: Energy Infrastructure and Environmental Justice: Lessons for a Sustainable Future Before the Subcomm. on Energy and Mineral Res. of the H. Comm. on Nat. Res.*, 117th Cong. (2020).

² See e.g. Zack Colman, *Environmental Groups' Greatest Obstacle May Not Be Republican Opposition*, POLITICO, Feb. 5, 2021, <https://www.politico.com/news/magazine/2021/02/05/environmental-movement-racial-reckoning-green-diversity-465501>; Erik Ortiz, *'The Numbers Don't Lie': The Green Movement Remains Overwhelmingly White, Report Finds*, NBC NEWS, Jan. 13, 2021, <https://www.nbcnews.com/news/us-news/numbers-don-t-lie-green-movement-remains-overwhelmingly-white-report-n1253972>; *Environmental Movement Lacking Diversity, Report Finds*, PHILANTHROPY NEWS DIGEST, Jan. 16, 2019, <https://philanthropynewsdigest.org/news/environmental-movement-lacking-diversity-report-finds>.

³ Erik Ortiz, *'The Numbers Don't Lie': The Green Movement Remains Overwhelmingly White, Report Finds*, NBC NEWS, Jan. 13, 2021, <https://www.nbcnews.com/news/us-news/numbers-don-t-lie-green-movement-remains-overwhelmingly-white-report-n1253972>.

⁴ Dorceta E. Taylor, *The State of Diversity in Environmental Organizations*, University of Michigan, School of Nat. Res. and Environment (July 2014).

⁵ *Transparency Report Cards*, GREEN 2.0, <https://diversegreen.org/transparency-cards/> (last visited Feb. 1, 2022).

⁶ Zack Colman, *Environmental Groups' Greatest Obstacle May Not Be Republican Opposition*, POLITICO, Feb. 5, 2021, <https://www.politico.com/news/magazine/2021/02/05/environmental-movement-racial-reckoning-green-diversity-465501>

⁷ *Id.*

of fear, as well as a failed commitment to JEDI principles.⁸ These examples reflect the work culture of major environmental organizations.

IV. REPUBLICAN APPROACH

The Environmental Protection Agency (EPA) defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”⁹ When discussing environmental justice at a previous hearing, a Republican witness aptly noted that, “this demands that the voices of those who might support [energy and other resource development], and who directly and indirectly benefit from them, must also be heard and respected – not only those who might choose to oppose them.”¹⁰ Discussion of JEDI principles should ensure that diverse thoughts are represented, not just those in agreement with large environmental groups.

The Honorable Mark Freeland, the Republican witness and an elected delegate of the 24th Navajo Nation Council, is expected to testify about the Biden Administration’s failure to include the Navajo Nation in critical decision-making. Mr. Freeland will share how President Biden and Secretary Haaland proceeded with a ban on oil and gas leasing around Chaco Canyon, despite opposition from Navajo allottees.¹¹ In fact, the Navajo Nation asserts that the decision, which jeopardizes allottees’ income, was made without proper tribal consultation.¹² Additionally, the Biden Administration ignored the Navajo Nation’s requests for a field hearing, minimizing the opportunity to include diverse perspectives from Navajo families most impacted by decision-makers.¹³

Republicans may use this hearing as an opportunity to highlight the consequences of the policies advocated by environmental groups, and specifically address the impacts on those whom environmental justice efforts are defined to include. Additional examples of adverse impacts from policies pushed by environmental groups are found below.

⁸ Jeremy P. Jacobs, *Defenders of Wildlife Staffers Decry ‘Culture of Fear’*, E&E NEWS, May 24, 2021, <https://subscriber.politicopro.com/article/eenews/1063733361>.

⁹ *Learn About Environmental Justice*, U.S. ENVIRONMENTAL PROTECTION AGENCY, <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice> (last visited Feb. 1, 2020).

¹⁰ *Oversight Hearing: Energy Infrastructure and Environmental Justice: Lessons for a Sustainable Future Before the Subcomm. on Energy and Mineral Res. of the H. Comm. on Nat. Res.*, 117th Cong. (2020) (Testimony of Ms. Sara Obed, Sr. Vice Pres. External Affairs of Doyon, Limited).

¹¹ Donovan Quintero, *Allottees Say Fight Isn’t Over: Biden Considers Halt to Mining Around Chaco Canyon*, NAVAJO TIMES, Nov. 18, 2021, <https://navajotimes.com/reznews/allottees-say-fight-isnt-over-biden-considers-halt-to-mining-around-chaco-canyon/>.

¹² Ryan Heinsius, *Navajo Nation Council Opposes Proposed Drilling Ban Near Chaco Canyon*, KNAU NEWS TALK, Dec. 7, 2021, <https://www.knau.org/knau-and-arizona-news/2021-12-07/navajo-nation-council-opposes-proposed-drilling-ban-near-chaco-canyon>.

¹³ *Navajo Nation Opposes Withdrawal For Development at Chaco Canyon*, INDIAN COUNTRY TODAY, Nov. 17, 2021, <https://indiancountrytoday.com/the-press-pool/navajo-nation-opposes-withdrawal-for-development-at-chaco-canyon>.

Energy Resources

The cost of daily life for Americans is sharply rising. In December 2021, inflation rose to a 40-year high.¹⁴ For example, compared to a year earlier, the price of gasoline rose 46.9%, utility gas service rose 24.1%, and meats, poultry, and fish rose 12.6%.¹⁵ It is estimated that in comparison to 2020, the average American family spent \$1,200 more on energy costs in 2021.¹⁶

Environmental groups repeatedly advocate for policies that jeopardize our country's reliable sources of energy. For example, environmental groups supported canceling the Keystone XL Pipeline,¹⁷ opposed the Atlantic Coast Pipeline,¹⁸ advocated for halting the use of fossil fuels,¹⁹ and supported banning oil and gas production on federal lands.²⁰ In other cases, environmental groups advocated for positions contrary to the wishes of local communities. For example, in 2020, Ms. Sarah Obed testified before the Natural Resources Committee that despite the benefits of energy development to local Alaskan communities, oil and gas development is often the target of environmental groups' opposition campaigns.²¹ These groups ignore the direct economic and infrastructure benefits provided to Alaskans in their efforts to prevent domestic energy development.²²

The Biden Administration's policies, supported by environmental groups, contributed to the increased costs of energy.²³ The obstacles to developing oil and gas on federal lands, as well threatened increases in operation costs, resulted in industry uncertainty and a decreased domestic supply of energy.²⁴ In a 2020 hearing before the Natural Resources Committee, Mr. Derrick Hollie warned that shutting down the fossil fuel industry would decrease the availability of affordable energy throughout the nation, especially for low-

¹⁴ Rachel Siegel & Andrew Van Dam, *December Prices Rise 7 Percent Compared With A Year Ago, As 2021 Inflation Reaches Highest in 40 Years*, THE WASHINGTON POST, Jan. 12, 2022, <https://www.washingtonpost.com/business/2022/01/12/december-cpi-inflation/>.

¹⁵ *Id.*

¹⁶ *To Combat Rising Energy Prices, Unleash American Production*, JOINT ECONOMIC COMMITTEE REPUBLICANS (Jan. 2022) at 1, available at https://www.jec.senate.gov/public/_cache/files/051a6e9a-daa4-4ebf-b5e9-45f73d3530a2/sen.-mike-lee-jec-republicans-report-rising-energy-prices.pdf.

¹⁷ See e.g. *Victory: You Helped Defeat Keystone XL*, CENTER FOR BIOLOGICAL DIVERSITY, https://www.biologicaldiversity.org/campaigns/no_keystone_xl/in_harms_way.html (last visited Feb. 1, 2022); *What is the Keystone XL Pipeline?*, NATURAL RESOURCES DEFENSE COUNCIL, <https://www.nrdc.org/stories/what-keystone-pipeline> (last visited Feb. 1, 2022).

¹⁸ See Jamison Cocklin, *Environmental Groups Unite In Opposition to Atlantic Coast Pipeline*, NAT. GAS INTEL, June 23, 2015, <https://www.naturalgasintel.com/environmental-groups-unite-in-opposition-to-atlantic-coast-pipeline/>.

¹⁹ See Sam Meredith, *'Turn the Valve Off': Climate Activists Push for an Abrupt End to the Fossil Fuel Era*, CNBC, Dec. 29, 2021, <https://www.cnbc.com/2021/12/29/climate-activists-push-for-an-abrupt-end-to-global-fossil-fuel-use.html>.

²⁰ See Press Release, CENTER FOR BIOLOGICAL DIVERSITY, *Millions of Americans, Hundreds of Groups Support Halting Fossil Fuel Leasing, Permitting on Public Lands, Oceans*, (Jan. 25, 2021), <https://biologicaldiversity.org/w/news/press-releases/millions-americans-hundreds-groups-support-halting-fossil-fuel-leasing-permitting-public-lands-oceans-2021-01-25/>.

²¹ *Supra* note 10.

²² *Id.*

²³ *Supra* note 16 at 5.

²⁴ *Id.* at 6.

income, minority, and rural communities.²⁵ A report by the American Council for an Energy-Efficient Economy found that compared to middle-class white households, low-income households, as well as Black, Hispanic, and Native American households, put a larger share of their income towards energy bills.²⁶ As energy prices continue to rise, a larger portion of every household income will be dedicated towards paying those bills.

The consequences of banning oil and gas production on federal land are not limited to disrupting our nation's domestic energy supply. New Mexico, for example, has a population comprised by nearly half Hispanic or Latino people.²⁷ The revenues from energy production directly impact funding for states and local communities. A ban on oil and gas development in the State of New Mexico is estimated to threaten one billion dollars in state revenue, some of which goes directly to supporting the state's public education system.²⁸ The loss of education funds would impact all New Mexico students, including those from minority and at-risk communities.

Opposition to fossil fuels is not the only position advocated by environmental groups which ultimately has negative consequences for minority communities. The Natural Resources Defense Council hailed California as "America's Climate Leader" for its clean energy policies,²⁹ yet those same policies are harming the state's most vulnerable communities.³⁰ As California faces high costs of electricity, research from the University of California, Berkley found that wealthier residents were able to install rooftop solar systems to mitigate their electricity bill.³¹ This in turn forced low and middle-income residents, unable to install rooftop solar, to pay a larger portion of the state's overall electricity costs.³² The very people the environmental justice movement sought to support are paying higher costs for the state's green energy initiatives. Additionally, California's policies prompted Latino civil rights leaders to sue the state over regulations implementing new fees purported to combat climate change.³³

²⁵ *Legislative Hearing: Environmental Justice for All Act Before the H. Comm. on Nat. Res.*, 116th Cong. (2020) (Testimony of Derrick Hollie, President, Reaching America).

²⁶ Victoria A Rocha, *Report Sheds Light on Energy Burdens for Low-Income, Minority Households*, NRECA, Oct. 12, 2020, <https://www.electric.coop/report-sheds-light-on-energy-burdens-for-low-income-minority-households>.

²⁷ *Quick Facts: New Mexico*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/NM> (last visited Feb. 1, 2022).

²⁸ Adrian Hedden, Yvette Herrell Seeks to Spare New Mexico From Biden's Ban on Oil and Gas Leases, CARLSBAD CURRENT ARGUS, Feb. 4, 2021, <https://www.currentargus.com/story/news/local/2021/02/04/yvette-herrell-spare-new-mexico-biden-oil-gas-ban/4386954001/>.

²⁹ Rhea Suh, *California: America's Climate Leader*, NRDC, Sept. 11, 2017, <https://www.nrdc.org/experts/rhea-suh/california-americas-climate-leader>.

³⁰ Jude Clemente, *California's Energy Policies Hurt Minority Citizens the Most*, Real Clear Energy, Mar. 4, 2021, https://www.realclearenergy.org/articles/2021/03/04/californias_energy_policies_hurt_minority_citizens_the_most_742318.html.

³¹ *Id.*

³² *Id.*

³³ *Id.*; *Social Activists, The Two Hundred File Preliminary Injunction Against Governor Gavin Newsom Administration to Halt Pre-Pandemic Vehicle Miles Traveled (VMT), a Restrictive Home Ownership Regulation*, PR NEWSWIRE, June 8, 2020, <https://www.prnewswire.com/news-releases/social-activists-the-two-hundred-file-preliminary-injunction-against-governor-gavin-newsom-administration-to-halt-pre-pandemic-vehicle-miles-traveled-vmt-a-restrictive-home-ownership-regulation-301071785.html>.

As groups continue to advocate for increased regulation, it must be acknowledged that most environmental regulations result in higher costs, the burden of which are carried by the taxpayer.³⁴ All communities should be given a voice in energy and environment discussions to ensure that policy consequences are fully understood prior to implementation.

Water Resources

Detrimental effects of some environmental regulations on California's agriculture community likely provide farm workers a different perspective on environmental justice and inclusivity. Under the Obama administration, a biological opinion from the U.S. Fish and Wildlife Service (FWS) related to the three-inch long delta smelt resulted in "tens of billions of gallons of water" reductions for the San Joaquin Valley.³⁵ This federal decision, originating partially from a lawsuit filed by the Natural Resources Defense Council, which objected to increased water usage in the delta smelt's vicinity,³⁶ exacerbated an existing drought plaguing the area's agricultural industry. Not only did this decision negatively impact farmers, it forced the Metropolitan Water District, which supplied water to about 19 million people, to pay other sources for allocations of water.³⁷

Under the Trump administration, the Department of the Interior (DOI) implemented plans, which prioritized water deliveries for California's communities and farms.³⁸ Environmental groups were critical of this decision, citing concerns over endangered species in the area.³⁹ As the debate continues over how to disperse California's water resources, it is important to remember the people impacted by these decisions. For example, San Joaquin County is home to a population comprised of 42% Hispanic or Latino and 17.4% Asian.⁴⁰ Representative of the voices environmental justice seeks to aid, these communities, nor any other, should not be denied access to water. Unfortunately, that may be the result if environmental groups advocating for water restrictions in California are given their way.

³⁴ Timothy Carney, *Green Efforts That Raise Energy Costs Disproportionately Hurt Black People and Poor People*, THE WASHINGTON EXAMINER, Sept. 16, 2020, <https://www.aei.org/op-eds/green-efforts-that-raise-energy-costs-disproportionately-hurt-black-people-and-poor-people/>.

³⁵ *California's Man-Made Drought*, THE WALL ST. J., Sept. 2, 2009, <https://www.wsj.com/articles/SB10001424052970204731804574384731898375624>.

³⁶ *Id.*

³⁷ *Of Farms, Folks, and Fish*, THE ECONOMIST, Oct. 24, 2009, <https://www.economist.com/briefing/2009/10/22/of-farms-folks-and-fish>.

³⁸ Press Release, U.S. DEP'T OF THE INTERIOR, *WTAS: Trump Administration Optimizes Water Delivery and Increases Species Protection in California's Central Valley*, (Feb. 20, 2020), <https://www.doi.gov/pressreleases/wtas-trump-administration-optimizes-water-delivery-and-increases-species-protection>.

³⁹ Lauren Sommer, *Trump Plan Weakens Protections for California Fish, Diverts Water to Farms*, NPR, Oct. 22, 2019, <https://www.npr.org/2019/10/22/772391421/trump-plan-weakens-protections-for-california-fish-diverts-water-to-farms>.

⁴⁰ *Quick Facts: San Joaquin County, California*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/sanjoaquincountycalifornia> (last visited Feb. 2, 2022).

Access to Land

Initiatives to preserve land, in the name of biodiversity or environmental protection also result in outcomes that adversely impact the communities environmental justice purportedly seek to assist.

Internationally, for example, the United Nations Convention for Biological Diversity released a framework aiming to conserve 30% of the globe's lands and oceans by 2030.⁴¹ While supported by environmental groups,⁴² the global initiative has received opposition from more than 200 organizations due to concerns for Indigenous Peoples and local communities living on lands marked for preservation.⁴³ One human rights group, Survival International, categorized the effort as “the biggest land grab in history,” noting it could result in three hundred million people losing access to their lands.⁴⁴ The voices of the Indigenous Peoples on the lands targeted for preservation should be given equal weight as the environmental groups' efforts to advance biodiversity.

In the United States, many organizations advocate for the creation of more wilderness areas.⁴⁵ In reality, supporting these land designations makes our public lands less accessible and more exclusive. As highlighted in a 2021, Oversight and Investigations Subcommittee hearing, such strict limitations inhibit access for many people with disabilities or who are wheelchair bound.⁴⁶ Efforts to preserve land as wilderness can achieve the opposite of the intended goals environmental justice movement proponents publicly espouse.

V. ISSUES DEMOCRATS MAY RAISE

Democrats are likely to focus on the improvements environmental organizations have made in regards to increasing diversity of staff and leadership, and emphasize the importance of groups continuing to hire a more diverse workforce. Democrats may also highlight that environmental groups of all sizes signed the Equitable and Just Climate Platform in 2019,

⁴¹ Press Release, CONVENTION ON BIOLOGICAL DIVERSITY, *A New Global Framework for Managing Nature Through 2030: 1st Detailed Draft Agreement Debuts*, (July 12, 2021), <https://www.un.org/sustainabledevelopment/blog/2021/07/a-new-global-framework-for-managing-nature-through-2030-1st-detailed-draft-agreement-debuts/>

⁴² See e.g. *30 x 30: NRDC's Commitment to Protect Nature and Life on Earth*, NATURAL RESOURCES DEFENSE COUNCIL, <https://www.nrdc.org/30x30-nrdcs-commitment-protect-nature-and-life-earth> (last visited Feb. 2, 2022); *We Need to Protect 30% of the Global Ocean By 2030 to Safeguard Life in the Sea ... and Life on this Blue Planet*, MARINE CONSERVATION INSTITUTE, <https://marine-conservation.org/support-30x30/> (last visited Feb. 2, 2022).

⁴³ Letter from Minority Rights Group International, Rainforest Foundation UK, & Survival International, et al. to the Convention on Biological Diversity (April 20, 2021), *available at* <https://assets.survivalinternational.org/documents/1972/en-fr-es-it-de-200928.pdf>.

⁴⁴ Press Release, SURVIVAL INTERNATIONAL, *Survival International Launches Campaign to Stop “30x30” – “The Biggest Land Grab in History,”* (April 22, 2021), <https://www.survivalinternational.org/news/12570>.

⁴⁵ See e.g. Lindsey Botts, *House of Representatives Passes Sweeping Public Lands Bill*, Sierra, Mar. 3, 2021, <https://www.sierraclub.org/sierra/house-representatives-passes-sweeping-public-lands-bill>.

⁴⁶ *Oversight Hearing: Accessibility for People With Disabilities on National Parks and Public Lands Before the Subcomm. on Oversight and Investigations of the H. Comm. on Nat. Res.*, 117th Cong. (2021) (Testimony of Graham Hill, Former Member, Nat'l Council on Disability).

to provide a framework of how the groups could work together.⁴⁷ Peter Forbes, a co-founder of First Light, is expected to emphasize the importance of including indigenous people in conservation decisions.⁴⁸

Republican Response: Diversity of thoughts and opinions from diverse groups of stakeholders should be encouraged throughout the environmental policy decision-making process. Rather than simply seeking individuals who may provide confirmation bias, including all perspectives in discussion by decision makers, including perspectives that may be contrary to the environmental movement's agenda, is imperative for true inclusivity.

Democrats may also broaden the discussion beyond diversity of environmental groups' staff and leadership to also highlight efforts to increase the diversity of financial donors to environmental causes. Abdul Dosunmu is expected to detail his work at the Donors of Color Network, including the organization's goal of having at least 30% of climate funding be dedicated to minority led groups.⁴⁹ The hearing may discuss current allocation of funds, as well as factors playing a role in larger environmental groups' abilities to fundraise.

Republican Response: While an important topic, a focus on inclusion in policy decisions does not negate a duty to understand and analyze all of the impacts of environmental policies, including the adverse consequences on different communities.

⁴⁷ *Supra* note 6.

⁴⁸ *About First Light*, FIRST LIGHT, <https://firstlightlearningjourney.net/about/> (last visited Feb. 1, 2022).

⁴⁹ *About the Campaign*, CLIMATE FUNDER'S JUSTICE PLEDGE, DONORS OF COLOR NETWORK, <https://climate.donorsofcolor.org/about-the-campaign/> (last visited Feb. 1, 2022).