

September 9, 2022

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

As Environmental Justice advocates with hundreds of collective years of leadership and toil on behalf of our communities, we urge you to reject the demands of some in the Senate to include a harmful permitting rider in must-pass legislation to fund the government.

This dirty side 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 Environmental Justice for All Act and the [Statement of Principles for Environmental Justice Legislation](#). 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 pollution projects in communities of color and poor 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, Native/Indigenous, and poor communities with our nation's pollution and environmental degradation. We urge you to lead the House and the country in defense of transparency, accountability, access to justice through the courts, and the right of 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 demanding fair treatment after decades of unequal protection from dangerous environmental pollution. The disparity experienced by communities that lack 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. As we write this message, 150,000 Jackson, MS residents lack access to safe clean water, but you can be assured Madam Speaker that environmental justice crises like that of Jackson will continue in other communities around the United States until Congress acts to provide communities with the tools and resources to achieve environmental justice. The permitting changes proposed by the American Petroleum Institute (API), sought by Senator Manchin, and reportedly agreed to by Leader Schumer, do not provide our country with the tools and resources to achieve environmental justice or address climate change. The API permitting provisions accelerate climate chaos and environmental racism by railroading more fossil fuels projects through our communities without their consent.

Let us be clear, Madam Speaker, EJ Communities do want permitting reform. EJ communities want 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 H.R. 2021, the Environmental Justice For All Act. EJ Communities want ample opportunity to consider, analyze, and comment on major federal actions under the National Environmental Policy Act, as Section 15 (as amended and reported out of the House Natural Resources Committee) of the Environmental Justice for All Act provides. EJ communities want to stop unlawful

environmental discrimination by restoring the longstanding right to access the court to enforce the Civil Rights Act of 1964, and we want accountability from agencies charged with protecting our public health and environment. We see these specific legislative aims as at the core of what are truly needed permitting reforms.

Let us also be clear, Madam Speaker, the leaked “permitting reform” deal undermines the reforms we need and perpetuates injustice for our communities. The leaked 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 environmental justice communities want to champion the progress that can be made to address the crisis of environmental injustice in America. 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 President Biden, who promised to pursue a federal energy policy that doesn’t further harm communities overburdened by legacy 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 face of secret back-room deals, and lawmaking by ransom that threatens government funding over destructive riders wholly unrelated to government funding.

Madam Speaker, we urge you to exclude these harmful API provisions from a continuing resolution to fund the government, 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 court to seek justice and enforce the law.

Sincerely,

Richard Moore, Los Jardines Institute

Peggy Shepard, WE ACT for Environmental Justice

Michele Roberts, Environmental Justice Health Alliance for Chemical Policy Reform (EJHA)

Dr. Beverly Wright, Deep South Center for Environmental Justice

Susana Almanza, People Organized in Defense of Earth and her Resources (PODER) Austin

Juan Parras, Texas Environmental Justice Advocacy Services (t.e.j.a.s.)

Maria Lopez Nunez, Ironbound Community Corporation

Harold Mitchell, ReGenesis Institute

Dr. Nicky Sheats, New Jersey Environmental Justice Alliance

Dr. Mildred McClain, Harambee House/Citizens for Environmental Justice

Pamela Miller, Alaska Community Action on Toxics

Omega Wilson, West End Revitalization Association

Hilton Kelley, Communities In-Power & Development Association, Inc.

Nayyirah Shariff, Flint Rising

Na’Taki Osborne-Jelks, West Atlanta Watershed Alliance

Beto Lugo Martinez, CleanAirNow Environmental Justice

Donele Wilkins, Green Door Initiative

Dora Williams, Delaware Concerned Residents for Environmental Justice
Rev. James L. Caldwell, Coalition of Community Organizations
Ansha Zaman, Center for Earth Energy & Democracy
Kathy Ferguson, People Concerned About Chemical Safety
Cheryl Johnson, People for Community Recovery
A. Mychal Johnson, South Bronx Unite
Dr. Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County
M. Miaisha Mitchell, Tallahassee Food Network
Maria Payan, Sussex Health & Environmental Network
Rev. Brendolyn Jenkins Boseman, The Imani Group
Sharon Lewis, CT Coalition for Economic and Environmental Justice
Rev. Wade Edwards Sr, Fatherhood Mentoring Foundation
Cecella Fontenot, Fair Housing and Neighborhood Rights
Ana Ramos, Vecinos De KC por La Salud Ambiental