

United States Senate  
WASHINGTON, DC 20510

April, 20, 2020

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Charles Schumer  
Minority Leader  
United States Senate  
Washington, DC 20510

Dear Leader McConnell and Leader Schumer,

We write to urge you to ensure that the fourth stimulus package passed by Congress includes robust requirements to provide assistance for low income, rural and communities of color. These communities, also known as an environmental justice communities, are especially vulnerable to the virus and live in high poverty areas that could challenge their recovery.

As you know, the COVID-19 virus currently imperiling our Nation has life-threatening impacts on people with underlying health conditions. We are concerned that this leaves environmental justice communities particularly vulnerable as members of these communities are more likely than others to experience asthma and have diabetes. For example, in 2015 almost 2.6 million African Americans reported that they currently have asthma and African American women were 20 percent more likely to have asthma than white women. That same year, African American children were estimated to have a death rate ten times that of white children from asthma. Native Americans have the highest asthma rates in the U.S. at 14 percent of the population.

Similarly, diabetes threatens these communities at rates that are higher than elsewhere in the Nation. According to the Food and Drug Administration, among Hispanic Americans, the death rate from diabetes is 50 percent higher than for white Americans. The percentage of African Americans and Native Americans with diabetes is nearly double the percentage of white Americans with diabetes. And across the country there are approximately 550,000 people living on the streets struggle to access showers and facilities to wash their hands, especially in cities like Los Angeles, which have extremely high concentrations of people without homes. Homeless shelters in these cities have crowded conditions, conducive to the spread of COVID-19.

In part, the health outcomes for these communities are due to a lack of healthcare access. Low income Americans are more likely to live in areas with physician shortages and closed hospitals as healthcare access follows wealthier privately insured patients to more affluent areas.

That is why the fourth stimulus we pass must include the policies listed below that will reduce public health vulnerabilities. Americans under orders to shelter in place should have power, heat, and a safe environment.

We also urge you to ensure that any workforce program created or funded by the stimulus package provide economic opportunity to previously incarcerated people, all black and brown communities include indigenous people, and depopulated rural communities. It is critical that Congress fund any emergency programs necessary to ensure there are no utility shut offs during this time and that economic stimulus dollars are spent in ways that comply with environmental regulations to avoid increasing public health and safety risks. Specifically, projects must reduce locally harmful air pollution in communities coping with the cumulative impacts of multiple pollution sources.

The stimulus must:

**1. Provide emergency utility support to families and guarantee no utility shut-offs by**

**Funding emergency relief at \$5 billion:** Congress must fund an immediate moratorium on water shutoffs for residential households along with restoration of service to those households who have experienced shutoffs. In this time of crisis, where hygiene and access to water is an imperative public health issue, no family in the U.S. should be without water. Congress must fund and direct state water control boards, with assistance of Offices of Emergency Services, to establish emergency drinking water distribution and delivery programs to ensure that all without safe tap water and those experiencing homelessness, have access to drinking water during this crisis. Congress must also direct State Water Resources Control Boards to suspend payments on state revolving fund loans for financially-challenged water systems.

**Funding the Low Income Home Energy Assistance Program at \$17 billion dollars:** LIHEAP assists families with energy costs related to energy bills, weatherization and energy-related home minor repairs. Stimulus legislation should increase the \$4.6 billion FY2020 appropriation for LIHEAP to \$17 billion. This money should also be used to prevent vital utility services from being shut off as well as fund reconnections to homes who have previously experienced disconnections.

**Funding the Weatherization Assistance Program (WAP) at \$7 billion:** WAP provides weatherization for low-income households, leading to \$238 or more in average savings on energy costs annually for customers. WAP lowers energy bills for mid- and low-income families by supporting home energy efficiency improvements and supports clean energy jobs. Every year the requests for WAP support far exceed the funds available, leaving many households without the support they need to improve their energy efficiency and reduce energy costs. Congress should increase WAP's fiscal year 2019 appropriation of \$257 million to \$7 billion, and strengthen the program to better reach and serve low-income families.

**Funding the Department of Energy's (DOE) Energy Efficiency and Conservation Block Grant (EECBG) Program at \$3.2 billion:** The 2009 American Recovery and Reinvestment Act provided \$3.2 billion in block grants to cities, communities, states, U.S. territories, and Indian tribes to develop, promote, implement, and manage energy efficiency and conservation projects

that ultimately created jobs. Stimulus legislation should provide \$3.2 billion to the EECBG program. These programs should also prioritize communities left that cannot afford the upfront costs of energy efficiency upgrades, but would benefit from its energy and costs savings.

## 2. Address toxic pollution by:

**Funding the U.S. Environmental Protection Agency's (EPA) Office of Enforcement and Compliance Assurance at \$552 million; creating a new program under it called the Office of Cumulative Impacts to be funded at \$100 million:** EPA's Office of Enforcement and Compliance Assurance (OECA) is the Agency's program dedicated to improving compliance and enforcing the Nation's environmental laws. Without an active and vigorous enforcement program, EPA cannot implement its mission of protecting public health and the environment. Far too often, enforcement action is lacking in environmental justice communities. Additionally, EPA must create a new office, to be under the Office of Enforcement, titled the Office of Cumulative Impacts. This office will identify overburden communities using EPA's EJ Screen tool that are vulnerable to various sources of toxic pollution. To do this, EPA's EJ Screen must be mandated and funded by law. The Office of Cumulative impacts will make policy recommendations on how to mitigate legacy pollution as well as recommend and enforce civil and criminal legal actions.

**Reinstating and funding the Office of Environmental Justice at EPA at \$100 million:** This Office provides EPA its internal capacity for environmental justice policy and decision making. The Office also ensures that environmental justice communities have access to EPA's capacity and skills and can benefit from specialized agency programs. In addition to reinstating the Office, Congress must provide \$100 million in funding for EPA to administer as small grants to Historically Black Colleges and Universities (HBCUS), tribal colleges and other majority minority serving academic institutions with environmental and public health programs. These funds should also go to nonprofits working in environmental justice communities as community grants.

**Funding EPA's Superfund and Brownfield programs at \$20 billion with funding set aside for workforce training and renewable energy development:** To accelerate toxic site cleanup and protect the 53 million people living within three miles of the existing 1,836 Superfund sites, stimulus legislation should increase the \$1.16 billion appropriated to Superfund in 2019 to \$20 billion. To ensure that communities are protected into the future, all Superfund sites must incorporate the local impacts of climate change in their planning and remediation, similar to what is prescribed in the Preparing Superfund for Climate Change Act. Funding must also be increased for the Brownfields program which drives economic growth by providing funds and technical assistance to assess and clean-up contaminated property sites for redevelopment and helps promote successful local economic development in communities across the United States. Brownfield redevelopment must incorporate community-driven planning and protect against community displacement.

**Passing the Abandoned Mine Land Reclamation Fee Extension Act of 2019 to clean up legacy mine sites that have been abandoned:** Since the passage of the Surface Mining and Reclamation Act (SMCRA) of 1977, \$5.7 billion in AML fees have been disbursed to states and tribes to reclaim AML legacy sites, including 800,000 acres of damaged land and water. Despite this success, the existing backlog of AML needs are estimated to be more than \$10 billion. These AML sites continue to pose a threat to the health, safety and vitality of these coal communities – particularly in Appalachia. The Abandoned Mine Land Reclamation Fee Extension Act of 2019 recognizes the continuing contributions of the coal industry to our economy, and the need for existing environmental clean-up by extending the AML fee period for an additional 15 years.

**Passing the Reclaim Act to accelerate the clean-up of abandoned coal mines while creating jobs in areas hard-hit by the decline of the coal industry:** Ever since the federal surface mining law went into effect in 1977, coal companies have paid a tax on coal production to reclaim the millions of acres damaged by mines that were abandoned before the 1977 law. The fund currently has an unappropriated balance of \$2.4 billion, \$1 billion of which isn't scheduled to be spent until after 2023. Starting in fiscal year 2021, the RECLAIM Act would accelerate spending of that \$1 billion, distributing it to states and tribes over five years. Across the coal-bearing mountains of Central Appalachia, communities that long depended on mining are still hurting economically from the industry's decline.

**Passing portions of the Environmental Cleanup Infrastructure Act to fund cleanup of orphan Superfund Sites and defense and former atomic energy sites:** The Environmental Cleanup Infrastructure Act would allocate \$30 billion for the cleanup of Superfund projects, \$12.7 billion for Formerly Used Defense Sites (FUDS), and \$3 billion for Formerly Utilized Sites Remedial Action Program (FUSRAP) sites. These contaminated properties cause disproportionate harm to communities of color, low income communities and indigenous communities. The levels of funding in this legislation would cleanup every FUDS and FUSRAP site in the nation.

**3. Recognizing the human right to clean, safe, and affordable drinking and waste water services for all by:**

**Reauthorizing the Clean Water State Revolving (CWSRD) Loan Fund and funding it at the funding levels in H.R. 1497 the Water Quality Protection and Job Creation Act:** The CWSRF is the main source of funding and financing for waste water utilities across the Nation. H.R. 1497 renews the Federal commitment to addressing our Nation's substantial needs for wastewater infrastructure by authorizing \$20 billion over five years in wastewater infrastructure through the Clean Water State Revolving Fund, which is a significant investment to improve water quality. Providing robust funding for the State Revolving Loan Fund will also create thousands of new, domestic jobs in the green infrastructure and wastewater sectors and reduce the cost of constructing and maintaining that infrastructure, promote energy efficiency and water efficiency, and reduce the potential long-term operation and maintenance costs of publicly owned treatment works.

**Increasing funding for the Drinking Water State Revolving Loan Fund to \$2 billion and requiring states to use twenty percent of its capitalization grant to provide grants, negative interest loans, and forgiveness of principal for small and disadvantaged communities:**

States must be allowed to provide additional subsidies to eligible recipients in order to address public health threats from a State or Federal emergency declaration, including lead contamination. Furthermore, this funding should include technical assistance for Indigenous communities, who face severe disparities in water-related infrastructure maintenance and improvement and water contamination. Investment should begin with the top third of counties with the most drinking water violations and vulnerable populations. Finally, this package should include a pilot program for communities, or disadvantaged subsections of communities, that have exceeded the lead action level for public water systems in the last three years that know through their lead mapping that they have, or are likely to have at least 30 percent of their water system contain lead service lines.

**Addressing lead in drinking water by passing several provisions:** Too often communities across the country question whether they are providing safe, quality drinking water to their children. One of the biggest sources of water contamination comes from lead, a dangerous neurotoxin that can permanently impact brain development. The Centers for Disease Control (CDC), the Environmental Protection Agency (EPA), the American Association of Pediatrics and many others find that there is no safe level of lead exposure. For vulnerable populations like young children, pregnant mothers and the elderly, exposure to lead can be life altering. Bills that address this issue and should be included in the stimulus are:

- **S.1583 - Lead-Safe Housing for Kids Act of 2019**
- **S. 2087- Get the Lead Out of Assisted Housing Act of 2019**
- **S. 2086- National Opportunity for Lead Exposure Accountability and Deterrence Act of 2019**
- **S. 1613- CLEARR Drinking Water Act of 2019**

4. **Creating Economic Opportunity for all by:**

**Bring People of Color and Low Income People into New Environmental Careers \$5 billion across four programs:** Significant new investment in climate resilient water infrastructure is needed to address unsafe drinking water and climate-related flooding, sea level rise, and drought. To ensure that vulnerable communities receive these investments and technologies, it is imperative to engage workers and firms from vulnerable communities in the design, construction, operations and maintenance of these water infrastructure systems.

Four important programs could be expanded to contribute to bringing new workers and firms into the water sector: 1) the Environmental Protection Agency Brownfields Environmental Workforce Development and Job Training grants program; 2) the Environmental Health Sciences Environmental Career Worker Training program ; 3) WIOA investments directed at water sector employment training and low income youth; and 4) set aside one percent of any new water infrastructure investments to develop people of color workers and firms to participate in

water infrastructure development. These programs, currently funded at very limited levels, could be expanded to bring these effective opportunities to scale.

**Funding EPA’s Diesel Emission Reduction Grant program at least at \$100 million and the Federal Transit Administration’s (FTA) Low or No Emission Vehicle Program at \$500 million:** EPA administers grants to companies seeking to replace their old diesel engines for cleaner-burning models. Over the past 10 years, EPA has granted about \$700 million worth of DERA funds. The Agency estimated the program has upgraded 73,000 vehicles or pieces of equipment and saved 450 million gallons of diesel. This program is especially important for environmental justice communities, who are often adjacent to major highways. The FTA administers the successful Low or No Emission Vehicle Program. In 2019, the program had \$85 million in appropriations and received nearly \$500 million in requests. This is a critical funding source for transit agencies nationwide to transition their fleets to zero emissions in order to reduce the impacts of harmful air pollution on communities.

If we can provide you with any more information, please feel free to contact staff supporting the Environmental Justice Caucus’ work, Radha Adhar at (202) 224-2324 and Adam Zipkin at (202) 228-3916. Thank you in advance for your attention and consideration of these important requests.

Sincerely,

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Tammy Duckworth  
United States Senator

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Cory A. Booker  
United States Senator

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Chris Van Hollen  
United States Senator

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Edward J. Markey  
United States Senator

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Jeffrey A. Merkley  
United States Senator

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Tina Smith  
United States Senator

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Kamala D. Harris  
United States Senator

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Dianne Feinstein  
United States Senator

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Elizabeth Warren  
United States Senator

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Sherrod Brown  
United States Senator

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Robert P. Casey, Jr.  
United States Senator

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Tammy Baldwin  
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Richard J. Durbin  
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Michael F. Bennet  
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Amy Klobuchar  
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