

Congress of the United States

Washington, DC 20510

October 30, 2020

The Honorable Andrew R. Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Wheeler,

We write today regarding cancelation of diversity and anti-racism training in the Federal government. We are specifically concerned about the implications these cancelations have on the Environmental Protection Agency (EPA) and its mission to advance environmental justice.

On September 4th, 2020, the Office of Management and Budget (OMB) issued a memorandum prohibiting Federal agencies from engaging in diversity and inclusion trainings that address pertinent race-related topics, such as critical race theory, white privilege, systemic racism, and unconscious bias.¹ This was followed on September 22nd, 2020 by a White House Executive Order (EO) further limiting Federal agencies, the Armed Services, contractors, and grant recipients from addressing systemic racism through programs and trainings.²

The contention of the memorandum and EO that reckoning with a history of systemic racism would be un-American and divisive negates our Nation's long-standing tradition of progress. Much of American history has been a fight to achieve our founding ideals of equality and justice for all people. Diversity and anti-racism trainings help Americans better understand our history of race and racism, the impact of that legacy on policy, and to identify tools to correct bias within both policy development and personal decision-making. Contrary to the sentiments expressed in the memorandum and EO, acknowledging our differences and seeking to truly understand the source of these differences is not divisive, but unifying. It helps all Americans, including Federal employees, to foster more inclusive environments and work to eliminate discriminatory behaviors.

These directives have particularly worrisome consequences when applied to the EPA, which has a responsibility to address environmental injustice. It is widely recognized that low-income communities, communities of color, and Tribal and indigenous communities bear a disproportionate burden of pollution, and that there are systemic disparities in access to clean air and water. Understanding structural differences is highly relevant to the EPA's work to ensure equal protection from health hazards, and we are concerned that suspending trainings undermines the Agency's mission. OMB's memorandum and the EO are even more perplexing when you consider the previously proposed EPA budget cuts more than half (from \$9.5 million to \$4.7 million)³ of the funding for environmental justice enforcement.

¹ <https://www.whitehouse.gov/wp-content/uploads/2020/09/M-20-34.pdf>

² <https://www.whitehouse.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>

³ <https://www.politico.com/news/2020/09/15/epa-postpones-speaker-series-racism-white-house-415466>

Given our concerns with OMB's memorandum and the EO, we request that EPA provide the following information and respond to the following questions:

1. A list of all EPA activities that have been altered or canceled due to the September 4th Directive and September 22nd EO and a detailed reasoning of why the action was necessary for compliance.
2. A list of any changes to related Agency policies that are an outgrowth of the September 4th Directive and September 22nd EO, and any structural and personnel changes that resulted.
3. How will this guidance affect the recruitment and advancement of people of color within the EPA?
4. An analysis of the impact of the September 4th Directive and September 22nd EO on the Agency's compliance with Title VI of the Civil Rights Act.
5. All documents and communications to the Agency (or that are in the Agency's possession) from any outside group(s) asking for or supporting these changes.
6. All guidance distributed to any office or Agency subunit on these issues or on implementation.
7. How does the EPA plan to reconcile these new directives with your promise to more effectively address the needs of communities facing environmental threats?⁴
8. How does the EPA plan to eliminate environmental injustice with a decisively smaller budget and without the ability to discuss race?

As our country continues to address the coronavirus pandemic, which is disproportionately impacting members of environmental justice communities, we believe that diversity and anti-racism trainings are needed now more than ever. To write off real differences in outcomes among demographic groups as merely divisive rhetoric represents a reckless refusal to do the job that the American people need and a dangerous minimization of the problem. We await your response. Thank you for your time.

Sincerely,



Tammy Duckworth
United States Senator



A. Donald McEachin
United States Representative



Cory A. Booker
United States Senator

⁴ <https://www.c-span.org/video/?475398-1/environmental-protection-agency-50th-anniversary>