

ELIZABETH WARREN
MASSACHUSETTS

COMMITTEES:
BANKING, HOUSING, AND URBAN AFFAIRS
HEALTH, EDUCATION, LABOR, AND PENSIONS
ARMED SERVICES
SPECIAL COMMITTEE ON AGING

United States Senate

UNITED STATES SENATE
WASHINGTON, DC 20510-2105
P: 202-224-4543

2400 JFK FEDERAL BUILDING
15 NEW SUDBURY STREET
BOSTON, MA 02203
P: 617-565-3170

1550 MAIN STREET
SUITE 406
SPRINGFIELD, MA 01103
P: 413-788-2690

www.warren.senate.gov

October 20, 2020

The Honorable Andrew R. Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Wheeler:

I write to you regarding the Environmental Protection Agency's (EPA) environmental justice mapping and screening efforts. The ongoing coronavirus disease 2019 (COVID-19) pandemic has highlighted the public health impacts of environmental injustices, such as the placement of pipelines and factories that expose low-income communities to more pollution, which disproportionately affects communities of color. In order to combat these injustices, we must identify and help these communities, and the EPA has existing tools to do so that remain unused.

Your agency currently utilizes EJSCREEN, an "environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators."¹ Ultimately, EJSCREEN "provides information about [an] area's racial, income and age demographics and also provides environmental information such as levels of certain types of air pollution and lifetime cancer risk due to air toxic inhalation."² This tool could help the federal government understand where frontline communities are located and invest in their well-being, and I have supported legislation to require your agency to continue to maintain and update it.³ I am concerned, however, that the EPA has severely limited the usefulness of the tool, both in its design and its deployment. I urge you to identify and implement improvements to EJSCREEN so that we may better combat environmental injustices throughout the country.

¹ Environmental Protection Agency, "EJSCREEN: Environmental Justice Screening and Mapping Tool: What is EJSCREEN?," October 28, 2019, <https://www.epa.gov/ejscreen/what-ejscreen>.

² The Hill, "House Democrats seek to codify environmental inequality mapping tool," Rachel Frazin, May 15, 2020, <https://thehill.com/policy/energy-environment/498013-lawmakers-aim-to-codify-environmental-inequality-mapping-tool>.

³ A bill to require the Administrator of the Environmental Protection Agency to continue to update and make publicly available EJScreen or an equivalent tool, and for other purposes, S.3633, <https://www.congress.gov/bill/116th-congress/senate-bill/3633>.

Environmental Degradation Disproportionately Affects Communities of Color and Low-Income Communities

Environmental degradation, often caused by “lax enforcement of environmental laws combined with the placement of undesirable land uses inside or near [communities of color],”⁴ has a disproportionate impact on low-income communities and communities of color, largely due to systemic racism and segregation.⁵ Corporations have long concentrated industrial pollution in low-income communities, and Black families are more likely to live in neighborhoods with more concentrated air pollution than white families, even if their income is the same or greater,⁶ and “are exposed to 1.5 times as much of the sooty pollution that comes from burning fossil fuels as the population at large.”⁷ Additionally, “[o]n average, people of color comprise 56% of the population living in neighborhoods with [Toxic Release Inventory] facilities, compared to 30% elsewhere.”⁸ Notably, Black Americans “are 75 percent more likely than other Americans to live in... areas situated near facilities that produce hazardous waste.”⁹ This repeated exposure to harmful pollution of different kinds naturally leads to severe health consequences.¹⁰ Frontline communities, particularly Black communities, therefore often face compounding health risks from their disproportionate exposure to environmental degradation. For example, Black Americans’ heightened exposure to air pollution is “associated with lung disease, including asthma, as well as heart disease, premature death and now Covid-19.”¹¹

These compounding environmental and health inequities have led to starkly disparate health outcomes from COVID-19. Because “higher instances of complicating factors such as asthma and heart disease brought about by exposure to pollution are likely to play a part,” in the observation that “non-white people [are] more likely to die from [COVID-19],”¹² the pandemic has further emphasized the importance of addressing environmental racism and other inequities in environmental health. Notably, in Philadelphia, the COVID-19 “death rate for the city’s Black patients is 50 percent higher than for white patients.”¹³ These disparities highlight the importance

⁴ Vice, “Coronavirus Death Rates Are a Direct Result of Environmental Racism,” Leila Ettachfani, April 14, 2020, <https://www.vice.com/en/article/k7ev93/coronavirus-death-rates-environmental-racism>.

⁵ Center for American Progress, “Communities of Color Bear the Brunt of Trump’s Anti-Environmental Agenda,” Amy Patronella and Saharra Griffin, February 27, 2020, <https://www.americanprogress.org/issues/green/news/2020/02/27/480820/communities-color-bear-brunt-trumps-anti-environmental-agenda/>.

⁶ National Library of Medicine, “Race, Income, and Environmental Inequality in the United States,” Liam Downey and Brian Hawkins, December 1, 2008, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2705126/>.

⁷ New York Times Magazine, “Pollution Is Killing Black Americans. This Community Fought Back.,” Linda Villarosa, July 28, 2020, <https://www.nytimes.com/2020/07/28/magazine/pollution-philadelphia-black-americans.html>.

⁸ University of Michigan Center for Sustainable Systems, “Environmental Justice Factsheet,” August 2019, <http://css.umich.edu/factsheets/environmental-justice-factsheet>.

⁹ New York Times Magazine, “Pollution Is Killing Black Americans. This Community Fought Back.,” Linda Villarosa, July 28, 2020, <https://www.nytimes.com/2020/07/28/magazine/pollution-philadelphia-black-americans.html>.

¹⁰ Front Public Health, “Environmental and Health Impacts of Air Pollution: A Review,” Ioannis Manisalidis, Elisavet Stavropoulou, Agathangelos Stavropoulos, and Euginia Bezirtzoglou, February 20, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7044178/>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

of ensuring that environmental policymaking “take[s] into account the cumulative impact of exposures and vulnerabilities encountered by people who live in neighborhoods consisting largely of racial or ethnic minorities or people of low socioeconomic status.”¹⁴

The Trump Administration and EPA is Widening Health and Racial Disparities Caused by Environmental Degradation

In the face of these overwhelming injustices, the Trump administration is further worsening the problem. Since taking office, the Trump administration has worked to eliminate more than 100 environmental safeguards.¹⁵ That includes efforts by the EPA, under your leadership and that of your predecessors, which have “repealed and replaced the Obama-era emissions rules for power plants and vehicles; weakened protections for more than half the nation’s wetlands; and withd[rawn] the legal justification for restricting mercury emissions from power plants.”¹⁶ This administration has even gone so far as to use the pandemic as an excuse to further attack rules that protect environmental health,¹⁷ by perversely pushing policies that the administration’s own analysis says would lead to an increase in premature deaths due to respiratory illnesses.¹⁸ As head of the EPA, you are failing to address the health and racial disparities that are devastating communities of color, while also exacerbating the problem by rolling back essential environmental protections and environmental justice efforts.

Additionally, during your tenure as EPA administrator and deputy administrator, the Trump administration has proposed severe cuts to your agency’s budget, including numerous proposals to completely eliminate funding for the EPA Office of Environmental Justice.¹⁹ This proposed cut is particularly worrisome because the office oversees EJSCREEN, which, as explained above, “enables users to compare environmental and demographic information in locations across the country” and helps “find communities that may qualify for extra

¹⁴ Global Policy Journal, “What is Environmental Racism?,” opinion, Peter Beech, August 4, 2020, <https://www.globalpolicyjournal.com/blog/04/08/2020/what-environmental-racism>.

¹⁵ New York Times, “The Trump Administration Is Reversing 100 Environmental Rules. Here’s the Full List.,” Nadja Popovich, Livia Albeck-Ripka, Kendra Pierre-Louis, July 15, 2020, <https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks.html>.

¹⁶ New York Times, “The Trump Administration Is Reversing 100 Environmental Rules. Here’s the Full List.,” Nadja Popovich, Livia Albeck-Ripka, Kendra Pierre-Louis, July 15, 2020, <https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks.html>.

¹⁷ E&E News, “Trump uses virus to permanently suspend rules on industry,” Jean Chemnick and Scott Waldman, May 20, 2020, <https://www.eenews.net/stories/1063181963>; New York Times, “Trump, Citing Pandemic, Moves to Weaken Two Key Environmental Protections,” Coral Davenport and Lisa Friedman, June 4, 2020, <https://www.nytimes.com/2020/06/04/climate/trump-environment-coronavirus.html>; Washington Post, “EPA staff warned that mileage rollbacks had flaws. Trump officials ignored them.,” Juliet Eilperin and Brady Dennis, May 19, 2020, https://www.washingtonpost.com/climate-environment/epa-staff-warned-that-mileage-rollbacks-had-flaws-trump-officials-ignored-them/2020/05/19/242056ba-960f-11ea-91d7-cf4423d47683_story.html.

¹⁸ E&E News, “Trump’s car rule would cause more pollution deaths,” Maxine Joselow, April 2, 2020, <https://www.eenews.net/stories/1062763069>.

¹⁹ Center for American Progress, “Communities of Color Bear the Brunt of Trump’s Anti-Environmental Agenda,” Amy Patronella and Saharra Griffin, February 27, 2020, <https://www.americanprogress.org/issues/green/news/2020/02/27/480820/communities-color-bear-brunt-trumps-anti-environmental-agenda/>.

consideration, engagement and analysis as the agency develops its enforcement, compliance and permitting strategies.”²⁰

The Federal Government Must Use Equity Screening and Mapping Tools to Identify and Invest in Vulnerable Communities

Instead of weakening environmental safeguards and ignoring the cumulative impacts of environmental degradation, the EPA must ensure environmental justice is a key consideration in federal decisions. To that end, environmental justice tools like EJSCREEN must be utilized to their full potential. Unfortunately, that is not currently the case. While EJSCREEN has been a helpful tool for the public,²¹ in its current form, EJSCREEN is not used to define which communities are the most heavily impacted by environmental injustices, and the federal government does not incorporate the findings of EJSCREEN into its decision-making.²² These limitations drastically restrict the tool’s potential ameliorative impact, and it is important that EPA leadership identify how the federal government can expand and better utilize this tool.

EPA must do more to ensure that agencies and communities alike have adequate information about their environmental risks to better inform solutions to those risks, which includes resolving weaknesses and limitations of the tools at your disposal. For example, your agency acknowledges that EJSCREEN fails to capture the cumulative impacts that communities face due to the intersection of environmental harms with population vulnerabilities.²³ Cumulative impact is “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions... [and] can result from individually minor but collectively significant actions taking place over a period of time.”²⁴ So while a data point like income, race, or the presence of a large concentration of a single pollutant can, on its own, be a fairly good indicator of which communities face the most harm from decades of discriminatory policies, a cumulative impact analysis that takes into account both pollution and population vulnerabilities can provide a broader picture of what harms have been perpetuated. EJSCREEN currently lacks this capability and so does not fully consider the repeated and layered effects of environmental degradation and pollution on communities. The EPA should review the steps that would be necessary to incorporate cumulative impacts in its mapping tools.

The EPA should also consider specific forms of environmental harms and the population characteristics of the most affected communities at the most specific level possible. This expansion of the EPA’s screening process would allow the EPA’s screening methods to both

²⁰ Environmental and Energy Study Institute, “Mapping Environmental Justice: How Can You Use EPA’s EJSCREEN Tool?,” May 19, 2016, <https://www.eesi.org/briefings/view/051916ejscreen>.

²¹ Environmental Defense Fund, “New EPA Mapping Tool Sheds Light on Pollution Risk and Social Vulnerability,” Marcelo Norsworthy, June 12, 2015, <http://blogs.edf.org/texascleanairmatters/2015/06/12/new-epa-mapping-tool-sheds-light-on-pollution-risk-and-social-vulnerability/>.

²² Environmental Protection Agency, “EJSCREEN: Environmental Justice Screening and Mapping Tool: How Does EPA Use EJSCREEN?,” August 10, 2016, <https://www.epa.gov/ejscreen/how-does-epa-use-ejscreen>.

²³ Environmental Protection Agency, “EJSCREEN: Environmental Justice Screening and Mapping Tool: How Does EPA Use EJSCREEN?,” August 10, 2016, <https://www.epa.gov/ejscreen/how-does-epa-use-ejscreen>.

²⁴ 40 CFR 1508.7, <https://www.govinfo.gov/content/pkg/CFR-1996-title40-vol18/pdf/CFR-1996-title40-vol18-sec1508-7.pdf>.

improve the identification of affected communities and allow stakeholders and regulators to work together to gather data and develop the best possible policy responses.

Moreover, the EPA should determine how EJSCREEN’s data can be used to more fully inform federal decision-making, including permitting decisions. In 2016, for example, the Federal Interagency Working Group on Environmental Justice provided a compilation of federal methodologies for considering environmental justice practices, with the hope that agencies “can learn from one another about effective ways to build robust consideration of environmental justice.”²⁵ The report identified that federal agencies can use tools such as EJSCREEN “to help identify the location and concentrations of minority populations and low-income populations” in their scoping processes.²⁶ The EPA should review these methodologies and identify how such tools can be required in federal decision-making under permitting processes and other processes, such as reviews required under the *National Environmental Policy Act*.

The Federal Government Can Learn From State Equity Mapping and Screening Initiatives

State-level programs provide a number of examples of improvements to EJSCREEN that EPA should consider implementing. For example, California has developed CalEnviroScreen, “a screening tool that evaluates the burden of pollution from multiple sources in communities while accounting for potential vulnerability to the adverse effects of pollution” and that “ranks census tracts in California based on potential exposures to pollutants, adverse environmental conditions, socioeconomic factors and prevalence of certain health conditions.”²⁷ By creating a comprehensive equity map that measures cumulative impacts, and then using that map to screen the state’s decision-making, California is able to better invest in what California state law refers to as “disadvantaged communities.”²⁸

In addition to the mapping and screening systems envisioned by state law in California, the states of Washington and Maryland have worked to implement equity mapping that the EPA should review for potential improvements to EJSCREEN.²⁹ Similarly, state law in New York requires the identification of “disadvantaged communities” “based on geographic, public health, environmental hazard, and socioeconomic criteria,” which includes “areas burdened by

²⁵ Federal Interagency Working Group on Environmental Justice, “Promising Practices for EJ Methodologies in NEPA Reviews: Report of the Federal Interagency Working Group on Environmental Justice & NEPA Committee,” report, March 2016, https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf.

²⁶ *Id.*

²⁷ California Office of Environmental Health Hazard Assessment, “CalEnviroScreen FAQs,” February 26, 2016, <https://oehha.ca.gov/calenviroscreen/calenviroscreen-faqs>.

²⁸ California Air Resources Board, “California Climate Investments provided more than \$1 billion for underserved communities in 2019,” press release, April 22, 2020, <https://ww2.arb.ca.gov/news/california-climate-investments-provided-more-1-billion-underserved-communities-2019>.

²⁹ Washington State Department of Health, “Washington Environmental Health Disparities Map,” Accessed August 3, 2020, <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/InformationbyLocation/WashingtonEnvironmentalHealthDisparitiesMap>; International Journal of Environmental Research and Public Health, “Utilization of the Maryland Environmental Justice Screening Tool: A Bladensburg, Maryland Case Study,” Aubree Driver, Crystal Mehdizadeh, Samuel Bara-Garcia, Coline Bodenreider, Jessica Lewis, and Sacoby Wilson, January 26, 2019, <https://doi.org/10.3390/ijerph16030348>.

cumulative environmental pollution and other hazards that can lead to negative public health effects” and low-income communities and communities of color.³⁰ The New York state law also sets a goal of investing 40 percent of state spending on clean energy and energy efficiency programs in disadvantaged communities.³¹ New York’s law allows the public to develop and track the state’s progress in identifying disadvantaged communities and allows the state to craft safeguards with meaningful equity metrics that involve public input.³²

Given these state-level successes to implement environmental equity screening and mapping systems that improve upon the current scope of EJSCREEN, it is important that the public understand the potential for similarly improved developments at the federal level. The EPA should consider these state initiatives, including those outlined in California, New York, Washington, and Maryland, as a template to determine how equity mapping can be used to collect and review more data and incorporate cumulative impact analysis as well as provide a foundation for agency decision-making. I urge you to review these initiatives at the state level and consider the ways that the EPA can follow with steps to incorporate these improvements in its use of EJSCREEN or other similar tools.

In order to better understand how the federal government is approaching the problem of environmental injustices perpetuated against our most vulnerable communities, I ask that you respond to the following questions by Friday, November 6, 2020:

1. During your tenure as EPA administrator and deputy administrator, the Trump administration proposed severe cuts to your agency’s budget, including numerous proposals to completely eliminate funding for the EPA Office of Environmental Justice,³³ which oversees EJSCREEN.³⁴
 - a. Please explain why the Trump administration proposed eliminating the EPA Office of Environmental Justice.
 - i. To what extent have you been involved in the Trump administration’s budget proposals to eliminate the Office of Environmental Justice?
 1. Given recent reports about the relationship between environmental injustices and the harmful health effects of COVID-19,³⁵ do you still believe the Office of Environmental Justice should be eliminated or significantly cut?

³⁰ New York State Senate, “Senate Bill S6599,” July 18, 2019, <https://www.nysenate.gov/legislation/bills/2019/s6599>.

³¹ *Id.*

³² NY Renews, “Justice & Equity in the Climate and Community Protection Act,” Accessed August 3, 2020, <https://www.nyrenews.org/equity-memo>.

³³ Center for American Progress, “Communities of Color Bear the Brunt of Trump’s Anti-Environmental Agenda,” Amy Patronella and Saharra Griffin, February 27, 2020, <https://www.americanprogress.org/issues/green/news/2020/02/27/480820/communities-color-bear-brunt-trumps-anti-environmental-agenda/>.

³⁴ Environmental Protection Agency, “EJSCREEN: Environmental Justice Screening and Mapping Tool: Contact Us About EJSCREEN,” June 25, 2019, <https://www.epa.gov/ejscreen/forms/contact-us-about-ejscreen>.

³⁵ Grist, “Coronavirus is not just a health crisis – it’s an environmental justice crisis,” Yvette Cabrera, April 24, 2020, <https://grist.org/justice/coronavirus-is-not-just-a-health-crisis-its-an-environmental-justice-crisis/>.

2. EJSCREEN was developed pursuant to Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” which instructed federal agencies to “collect, maintain and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin or income.”³⁶
 - a. The EPA has stated, however, that “EJSCREEN is not used by EPA staff... as a means to identify or label an area an ‘[environmental justice] community,’ “[t]o quantify specific risk values for a selected area,” “[t]o measure cumulative impacts of multiple environmental factors,” or “as a basis for agency decision-making or making a determination regarding the existence or absence of [environmental justice] concerns.”³⁷
 - i. Please explain why the current EJSCREEN tool does not review cumulative impacts of multiple environmental factors, including climate change.
 - ii. Please explain why this mapping and screening tool is not fully utilized in federal environmental decision-making.
3. State agencies in California, New York, Washington, and Maryland have taken significant steps in developing and implementing state-level equity screening and mapping. These programs go beyond the existing scope of EPA’s EJSCREEN.
 - a. What lessons can the EPA learn from the environmental equity mapping at the state level?
 - b. Has the EPA reviewed how successes from these state-level programs can be adapted at the federal level, and, if not, does it plan to do so?
 - c. State law in California and New York require respective state agencies to consider environmental justice considerations, identified through their screening and mapping programs, in certain funding decisions.³⁸
 - i. How would a similar program, built from the existing EJSCREEN program, through the EPA be used to inform federal permitting decisions and funding decisions?
4. Will you commit to provide us, in no later than two months, with a staff-level briefing on your plan to improve the EJSCREEN program and expand its use in federal environmental decision making?


³⁶ Environmental Protection Agency, “EJSCREEN: Environmental Justice Screening and Mapping Tool: How was EJSCREEN Developed?,” December 15, 2016, <https://www.epa.gov/ejscreen/how-was-ejscreen-developed>.

³⁷ Environmental Protection Agency, “EJSCREEN: Environmental Justice Screening and Mapping Tool: How Does EPA Use EJSCREEN?,” August 10, 2016, <https://www.epa.gov/ejscreen/how-does-epa-use-ejscreen>.

³⁸ California Office of Environmental Health Hazard Assessment, “CalEnviroScreen FAQs,” February 26, 2016, <https://oehha.ca.gov/calenviroscreen/calenviroscreen-faqs>; NY Renews, “Justice & Equity in the Climate and Community Protection Act,” Accessed August 3, 2020, <https://www.nyrenews.org/equity-memo>.

Thank you for your consideration of this important matter, and I look forward to your response.

Sincerely,



Elizabeth Warren
United States Senator