

**A Direct Message to the U.S. Senate Environmental Justice Caucus:
Don't Make Backroom Deals: Increase Forward Facing Environmental Justice**

Senator Cory Booker
717 Hart Senate Office Building
Washington, DC 20510

Senator Tom Carper
513 Hart Senate Office Building
Washington, DC 20510

Senator Tammy Duckworth
524 Hart Senate Office Building
Washington, DC 20510

cc Majority Leader Chuck Schumer
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Senators Booker, Carper, and Duckworth:

In 2019, you announced the establishment of the United States Senate's first ever Environmental Justice Caucus ("EJ Caucus") in an effort to, "help [low-income communities and communities of color] advocate for themselves with the federal government by providing expertise and assistance, generate legislation and organize hearings and events." It is in this context we ask you to reject the side deal proposed by Senator Manchin and Majority Leader Schumer, and to not negotiate any piecemeal environmental justice amendments to this unacceptable deal and demand direct consultation with frontline environmental justice organizations and the communities they are accountable to.

As local, regional, and national grassroots organizations accountable to disadvantaged and other environmental justice communities, as well as aligned organizations, the launch of the EJ Caucus was a welcome development. The rising intensity of the climate crisis, coupled with myriad interlinked challenges that exacerbate existing threats to our communities and their public health, call for increased governmental intervention to confront and ameliorate this nation's toxic legacy of environmental racism, which too often treats our communities as energy and economic sacrifice zones.

From New York to Newark, to Wilmington, Chicago, Jackson, the Gulf South, Appalachia, and throughout Indian Country, the adverse impacts of systemic environmental racism are incontrovertible. This said, it's not solely about the toxic facilities and projects that are disproportionately situated in EJ communities. It's also about the toxic processes that led to their placement in the first place. Recently, President Biden signed the Inflation Reduction Act (IRA) into law. While there are some beneficial provisions contained therein, many^[1] of the organizations^[2] we collaborate with, continue to express concerns about the IRA's harmful elements such as mandated new fossil fuel leasing, that upon implementation will lead to more pollution and public health risks in EJ communities.

Senator Joe Manchin believes that he is owed an additional piece of legislation in the form of this pernicious side deal on permitting. While the full text of the Schumer/Manchin side deal is still in the process of being drafted, a one-page memo released by Senator Manchin^[3] reveals enough for us to collectively conclude that it would increase harm and reduce the ability of EJ communities to participate in the decision-making process by deregulating landmark environmental policies such as NEPA and CWA.

We fully support the letter recently drafted by House Energy and Natural Resources Committee Chairman, Raul Grijalva^[4], and signed by nearly 80 Members of Congress, including nearly 30 members of the Congressional Black Caucus, urging Speaker Pelosi and Leader Hoyer to ensure no provisions that would weaken NEPA, CWA, or otherwise lead to fast-tracked approval of federal energy projects be included in legislation necessary to fund the government after September 30. As Co-Chairs of the Senate EJ Caucus, we urge you to draft a similar letter to Majority Leader Schumer and live up to the Caucus's mission, which includes, "raise awareness of the many environmental and pollution issues that have created public health challenges, which disproportionately impact low-income communities and communities of color."

In 2020, the Senate EJ Caucus sent a letter to then President Trump urging his Council on Environmental Quality to, "reverse course on NEPA rollbacks."^[5] The letter, in part, states, "For more than 50 years, NEPA has served not only as our nation's preeminent instrument for protection of the environment, but also as a critical tool for civil rights. Subsequently, NEPA has protected EJ communities by ensuring that all adverse impacts of projects are fully examined, and that public input from impacted communities is considered." All three of you, along with 15 Senate Democrats and over 90 members of the House signed this letter. We don't believe your stances should have changed in less

than two years. NEPA should be protected and improved under a Democratic presidency just as much as it should be under a Republican presidency as environmental justice is a bipartisan issue.

Regarding the forthcoming text of the Manchin permitting legislation, according to recent news reports, Senator Carper remarked, “we’re just trying to weave our way through this and come up with common sense compromises that not only enable us to move forward in these projects, but also do so in a way that is not harmful to our air, to our water and so forth.”^[6] While some elements of this statement are encouraging, we are concerned that agreements and commitments are being made without our participation. Reports that the three of you are currently negotiating with Majority Leader Schumer without the inclusion of EJ organizations are troubling and we, therefore, must be clear in no uncertain terms - *the process that led to expanding fossil fuels and other harmful technologies becoming locked into the IRA against the wishes of environmental justice communities must not be replicated.*

Additionally, as part of your negotiations with Majority Leader Schumer we demand that you not attempt to amend this side deal by adding some provisions of Chairman Grijalva and Representative Donald McEachin’s Environmental Justice for All Act (EJ for All) that Senator Duckworth introduced in the Senate. Whereas EJ for All is the result of an inclusive and collaborative process that many of us took part in, the legislation being drafted for the Schumer/Manchin side deal is the direct antithesis.

Furthermore, EJ for All is not an ingredient to sprinkle into a recipe of bad legislation that was drafted insidiously and that contains harmful provisions that would exacerbate systemic environmental racism and increase the already unacceptable number of economic and energy sacrifice zones. We firmly believe that nothing can improve a bill that would deregulate landmark environmental laws like NEPA and CWA and erode the ability of EJ communities to utilize the legal system to protect themselves. EJ for All should be voted on as a full bill rather than partitioned in an attempt to assuage environmental justice concerns with the Schumer/Manchin side deal.

Before the continuing resolution is complete, we request a meeting with you. As Co-chairs of the Senate EJ Caucus we believe it’s incumbent upon each of you to be in consistent communication with our organizations and communities during this process and moving forward. In the meantime, we recommend that you each review the 1991 Principles of Environmental Justice^[7] as well as the People’s Orientation to a Regenerative Economy^[8] to help guide and inform your decisions regarding the Schumer/Manchin side deal and generally.

We appreciate your attention to this matter and look forward to speaking with you soon.

Sincerely,

Frontline and Environmental Justice Organizations

7 Directions of Service

Activist San Diego

Alaska Community Action on Toxics

Alianza Americas

Another Gulf is Possible

Arab Resource Organizing Center

Asian Pacific Environmental Network

California Green New Deal Coalition

Center for Coalfield Justice

Central Florida Jobs With Justice

Climate Justice Alliance

CleanAirNow

Coalition of Community Organizations

Communities for a Better Environment

Community to Community

CT Coalition for Economic and Environmental Justice

CURYJ - Communities United for Restorative Youth Justice

Divest Oregon

Earth Ethics, Inc.

ECO Eastern Cherokee w

Energy Justice Network

Farmworker Association of Florida

Flint Rising

Florida Immigrant Coalition

GASP

Georgia Interfaith Power and Light

Giniw Collective

Grassroots Global Justice Alliance

GreenLatinos

Honor the Earth

Indigenous Environmental Network

ikiya collective
Ironbound Community Corporation
Just Transition Alliance
Michigan Environmental Justice Coalition Action
Minnesota Interfaith Power & Light
Movement Rights
Native Movement
New York City Environmental Justice Alliance
NM No False Solutions Coalition
Oregon Just Transition Alliance - OJTA
Our Climate Education Fund
Parable of the Sower Intentional Community Cooperative
People Organizing to Demand Environmental & Economic Rights (PODER)
People's Justice Council
Physicians for Social Responsibility Pennsylvania
POWHR Coalition
Presente.org
Progressive Leadership Alliance of Nevada
Pueblo Action Alliance
Revitalization Strategies
Rogue Climate
SMASH, Inc.
Southwest Workers Union
Sovereign Inupiat For A Living Arctic
t.e.j.a.s.
the Alliance for Appalachia
The Imani Group Inc
UPROSE Brooklyn
Urban Ocean Lab
WEACT for Environmental Justice
West Atlanta Watershed Alliance
West End Revitalization Association (WERA)

Allied Organizations

198 methods
350 Seattle

350PDX

Action Center on Race and the Economy

Agricultural Justice Project

Beyond Extreme Energy

Breach Collective

Center for Biological Diversity

Center for International Environmental Law

Chesapeake Climate Action Network

Clean Energy Action

Climate and Community Project

Climate Hawks Vote

CO Dem. Party - Energy & Environmental Initiative

Empower Our Future

End Climate Silence

Food & Water Watch

Grassroots International

Greenpeace USA

Labor Network for Sustainability

Methane Action

New York Lawyers for the Public Interest

Nuclear Information and Resource Service

Oil Change International

Our Revolution

Our Revolution Michigan

Progressive Democrats of America

The Solutions Project

^[1] <https://www.ienearth.org/the-inflation-reduction-act-of-2022-is-not-a-climate-bill/>

^[2] <https://climatejusticealliance.org/the-inflation-reduction-act-is-not-a-climate-justice-bill/>

^[3] https://www.manchin.senate.gov/imo/media/doc/energy_permitting_provisions.pdf?cb

^[4]

<https://naturalresources.house.gov/imo/media/doc/2022-09-09%20Group%20NEPA%20Letter%20to%20Pelosi%20and%20Hoyer.pdf>

^[5]

<https://www.carper.senate.gov/public/index.cfm/2020/7/senate-house-environmental-justice-caucuses-urge-president-trump-to-reverse-course-on-nepa-rollback>

^[6] <https://www.eenews.net/articles/house-dem-leaders-scramble-permitting-reform-effort/>

^[7] <https://www.ejnet.org/ej/principles.html>

^[8] <https://climatejusticealliance.org/regenerativeeconomy/>