

**United States House of Representatives  
Select Committee on the Climate Crisis**

**Hearing on April 15, 2021  
“Making the Case for Climate Action:  
The Growing Risks and Costs of Inaction”**

**Questions for the Record**

**The Honorable Heather McTeer Toney  
Climate Justice Liaison  
Environmental Defense Fund, and  
Senior Advisor  
Moms Clean Air Force**

**The Honorable Kathy Castor**

- 1. What has your research found about the effects of extreme weather and disasters on communities of color and their pace of recovery? How can we change federal disaster recovery programs to help them “Build Back Better” with resilience?**

Reiterating part of my original testimony—there is no questions that extreme weather impacts black and brown communities worse than any other demographic in the nation<sup>1</sup>. At the time of this writing, Lake Charles, Louisiana is under day 3 of a flood watch that has caused [over 600 people to abandon their homes](#).<sup>2</sup> Not only is Lake Charles a minority community, it sits in the middle of Louisiana’s notorious Cancer Alley, subjecting residents to the constant harm of air pollution. This comes as many are still recovering from Hurricane Delta and the traumatic winter storm that crossed Texas and Louisiana, leaving thousands without power. To make matters worse, we have yet to enter the 2021 Atlantic hurricane season—one that is already [predicted to be as active](#)<sup>3</sup>, if not more so, than 2020.

It bears repeating that studies conducted by Rice University and the University of Pittsburg show that predominantly white areas realize an increase in the average wealth post disaster versus minority communities that see a noticeable wealth decrease. This dynamic is caused by the levels of reinvestment into communities post climate disasters.<sup>4</sup> Researchers further concluded that despite accounting for controlled factors including, but not limited to; age, education, and homeownership, wealth inequality increases in regions hit more by natural disasters<sup>5</sup>. Add the additional climate impacts like vector borne diseases and heat--the EDF North Carolina study found that the most serious temperature-related impacts are likely to be those associated with extreme heat.

Recognizing that federal disaster response is subject to the request of aid from states, the federal government can assist in the mitigation of potential damages by helping communities become climate

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<sup>1</sup> <https://www.greenamerica.org/climate-justice-all/people-color-are-front-lines-climate-crisis>

<sup>2</sup> <https://abc13.com/lake-charles-flooded-louisiana-storm-severe-weather-national-service/10657835/>

<sup>3</sup> <https://www.accuweather.com/en/hurricane/accuweathers-2021-atlantic-hurricane-season-forecast/924431>

<sup>4</sup> [https://www.eurekalert.org/pub\\_releases/2018-08/ru-ndw082018.php](https://www.eurekalert.org/pub_releases/2018-08/ru-ndw082018.php)

<sup>5</sup> <https://psci.princeton.edu/tips/2020/8/15/racial-disparities-and-climate-change>

resilient ahead of time and quickly. To correct systemic inequities, federal agencies should investigate the barriers that prevent disadvantaged communities from experiencing the same access and, in turn, recovery that other more affluent communities receive. Agencies should take a hard look at the percentage of residents in disadvantaged communities that receive help and assess the type of help most requested. For example, if a larger percentage of minority residents in an impacted community are renters vs. home owners, partnering with HUD could be a way to provide an opportunity to transition renters to homeownership if they so desire. FEMA's current goal in disaster response is to repair a home back to a safe and sanitary standard. This is not sufficient to consider an additional need of resiliency and creates an unfair advantage to those unable to afford the real cost of rebuilding. Building back better means providing additional resources to account for new and/or proposed standards and efficiencies as well. Homeowners and businesses would benefit greatly if provided the incentive to build back with EV infrastructure, sustainable building materials and cooling roof options vs. replacing with what was there before the storm.

## **2. What steps should we take to ensure that the momentum of the economic recovery includes everyone, and not just those who have the capacities to leverage investments or other program benefits?**

How this Congress and administration manages economic equity while assuring environmental justice may be the single most important factor in every piece of legislation and/or economic funding package through November of 2022. Keeping the promise of access, equity and opportunity is not only important to the economic success of our country's families, but also denotes whether or not we can truly trust that our federal government has the best interest of the people at heart. Congress should fully support the recommendations of the White House Environmental Justice Council (WHEJC) and advocacy for the "Justice 40"—insuring that 40 percent federal funding goes to the most disadvantaged communities first. In addition, the 40 percent should apply to infrastructure funding initiatives with an eye towards sustainability and resiliency efforts that create jobs in marginalized communities. While President Biden signed an executive order on January 27, 2021 outlining the general goals of the Justice 40 initiative, it speaks to broadly of 40 percent of the overall benefits to disadvantaged communities and not 40 percent of the actual funding. This goal could be assumed achieved without a dime being spent in the communities that need it most. For example, Jackson, Mississippi is in dire need of infrastructure dollars to correct and upgrade the municipal water system. If the majority, wealthy, neighboring suburb is able to secure infrastructure funding to leverage and upgrade their system in an effort to support at least 40 percent of the Jackson area, the goal of "benefiting" a disadvantaged community is realized with no actual dollars spent or benefiting the residents of Jackson, Mississippi. Congress can and must go further to demand that 40 percent of the actual funding gets to disadvantaged communities if we are to ensure the economic recovery truly meets everywhere where they are.

Congress can support legislation and/or funding plans that help small business owners in disadvantaged communities take advantage of environmental economic infrastructure. 38.75 percent of truckers in America are minority and of that, roughly 21 percent are owner operators.<sup>6</sup> Financial assistance incentives that recognizes the inequities of how vehicles/infrastructure are currently deployed would be a tremendous opportunity to provide direct economic benefit and clean energy opportunities to those who are the frontlines of the industry and pollution. Upfront purchase incentives that have an adder for businesses operating in pollution-burdened communities (i.e. [California's HVIP program](https://californiahvip.org/)<sup>7</sup>) could create and grow momentum for clean energy alternatives in disadvantaged communities and/or communities of color. By accompanying with education and technical assistance for small businesses, we can, in general,

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<sup>6</sup> [United States Census, "America Keeps on Truckin"](https://www.census.gov/newsroom/press-releases/2018/08/2018-08-01-america-keeps-on-truckin.html)

<sup>7</sup> <https://californiahvip.org/>

ensure that rebates/loans etc. are not biased against small businesses with less capital and access to resources.

Two examples of legislative opportunities are outlined below.

- a. The Clean School Bus Act/Clean Commute for Kids Act – this bill provides grants for zero-emission school buses *and* infrastructure. It also allows grant money to be used for job training programs and has a scrappage requirement to prevent diesel vehicles from winding up in pollution-burdened communities. The Clean School Bus Act gives priority to eligible entities “(i) that have significant aging, inefficient, or high emission bus fleets that need improvement; [and] (ii) (I) that serve a high percentage of students from low-income families, as determined by the Secretary using data from the Small Area Income and Poverty Estimates Program of the Bureau of the Census” and the Clean Commute for Kids Act says “the Administrator shall give highest priority to applicants that propose to replace school buses that serve the highest number of students...who are eligible for free or reduced price lunches.” Both acts have provisions for education and outreach programs, which should help increase the efficacy of these programs in achieving their prioritization aims. Additional recommendations such as a requiring a percentage of local hires and a process to include community informed placement of new infrastructure would invite community buy-in and support long term, future sustainable development.
  - b. The Climate Smart Ports Act awards grants for zero-emissions port equipment and technology. One of the criteria for prioritizing grants is the degree to which the money will “reduce public health disparities in communities that receive a disproportionate quantity of air pollution from a port.” Additionally, studies continue to show that low-income and communities of color are most likely to be located near ports and impacted by more likely to live near ports/be affected by drayage pollution.<sup>89</sup> The Climate Smart Ports Act has equitable labor practices – an eligible entity has to ensure at least 40 percent of hired labor is domiciled near the installation area, is or was a member of the Armed Forces, was previously incarcerated, has a disability, is homeless, receiving public assistance, etc.
3. **As the Administration plans to develop and create a geospatial Climate and Economic Justice Screening Tool, how important is it for this resource to meet the needs of environmental justice communities and policymakers by providing granular, neighborhood level data, that identifies the sources of pollution and other risks and harmful factors? How important is it for that resource to include flood, wildfire, and urban heat risks that compound environmental hazards? What data partners and existing datasets, models, and technologies should the federal government consider including in the development of the tool?**

Black Americans are three times more likely to die from pollution exposure<sup>10</sup> and overburdened communities are facing grave immediate health risks from disproportionate exposure to pollution, as well as greater climate risk. The existing EPA network is outdated and must be modernized to meet the urgent needs of today as well as prevention planning for the future. Late last year, the Government Accountability Office reported that National Ambient Air Quality Standards and regulatory monitors are

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<sup>8</sup> "[Climate policy, environmental justice, and local air pollution](#)", Meredith Fowle, Reed Walker & David Wooley, for Economic Studies at Brookings, pg. 6

<sup>9</sup> “Drayage” is a term used in shipping logistics to define short distance transportation from a port to truck/rail or vice versa. This method of transport is typically first in the freight moving process and involves heavy polluting vehicle such as diesel trucks.

<sup>10</sup> <https://naacp.org/known-issues/environment-climate-justice>

in disrepair and unable to meet the need for information on pollution hotspots at the community scale. In other words, if the administration were to use the current information to disperse funding from the “Justice 40” initiative, it would fall far short of the goal of getting resources to those on the frontlines of the climate crisis. EJSCREEN has served its purpose, but it is no longer reflective of the most modern and cutting edge science. It cannot accurately identify communities burdened by high pollution.

Time is of the essence. While I have been encouraged by the Biden Administration’s focus on a Climate and Economic Justice Screening Tool, communities that are exposed to pollution right now should not have to wait months or years while the government incrementally improves EJSCREEN.

A Climate and Economic Justice Screening Tool cannot meet the needs of environmental justice communities without incorporating granular neighborhood-level measurement data about pollution sources and exposures as well as health and climate risks. Environmental justice and environmental health experts have advocated for a tool that can clearly identify and quantify the risks that environmental pollutants and climate change pose to the most at-risk people in our country. Presently, governments assess climate change and environmental effects in the aggregate. We know which characteristics make a person or group of people more susceptible and more vulnerable to climate and environmental hazards in general. We do not know exactly where the people or communities who are more vulnerable or susceptible are located across the United States. Knowing this information is essential to making sure that any and all climate and environmental policies and interventions prioritize those who are most susceptible and vulnerable to pollution and the impacts of climate change. This is the point of the Climate and Economic Justice Screening tool, to fill that gap.

In filling that gap, we know that inferences can change based on the spatial aggregation used. This is why policymakers and scientists including citizen scientists need data that’s as close as possible to the individual experience and risk. In the case of the Climate and Economic Justice screening tool, it aims to identify highly-burdened and underinvested people and communities. This is why the tool needs to have a higher spatial resolution at the census block level or greater.

EDF is a global leader in embracing new technology critical for tackling air pollution around the world and we’ve worked with partners that include Google Earth Outreach in this effort. While we cannot endorse any one organization over another, we know that seeing pollution mapped out as detailed as possible helps us to be better advocates for cleaner air and smart development choices.<sup>11</sup> For example, EDF participated in a recently published study in the peer-reviewed journal *Environmental Health Perspectives*<sup>12</sup> which indicates that mobile monitoring at the hyperlocal level more precisely informs health risk assessments than land-use regression models and satellites. This underscores the need to measure air pollution exposures at the most granular level possible while making that ground-truthed data accessible to communities and scientists working to protect public health and support environmental justice.

In my personal capacity, I volunteer and serve on the climate justice advisory board for Aclima, an organization that is considered a pioneer in the field, having introduced block-by-block mapping of air pollution and greenhouse gases at unprecedented scale. Their tools combine granular pollution measurements with contextual data to derive the most advanced environmental justice screening available today. They have validated their approaches through a multi-year collaboration with the U.S. EPA. In addition, the Senior Scientist that leads development of Aclima’s screening tool is one of the leading environmental health scientists across the U.S. who grew up in what would be considered an environmental justice community in New Jersey. With so few women of color in the innovative sphere of

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<sup>11</sup> <https://www.edf.org/airqualitymaps>

<sup>12</sup> <https://ehp.niehs.nih.gov/doi/10.1289/EHP7679>

environmental technology, let alone initiatives that support community engagement, job creation and pollution reduction, it remains personally important to me to volunteer my support as much as possible.

Finally, the EJ Community and its partners stand ready to help. The lived experience and constant participation of Environmental Justice communities should be key as you develop this tool. The Administration and Congress should seek the help and input of these communities, along with partner organizations that have developed innovative measurement, analysis, and screening methods that could dramatically help the government in development of this tool. I encourage the Administration and Congress to work closely with our Environmental Justice communities and technology leaders to modernize this country's equity mapping and monitoring capabilities.

**4. As Congress and the Biden Administration work to ensure that federal policy embeds equity in recovery, infrastructure, and other federal investments, how can we track and measure progress along the way, identify problems, and make mid-course corrections to ensure that federally supported projects for climate action reflect local priorities and benefit our most vulnerable who need help most?**

In addition to creating a solid climate and economic justice tool as outlined above, agencies should be required to track infrastructure funding and specifically track "Justice 40" spending, in a way that accounts for the following:

- Dollars directly to marginalized/disadvantaged communities as defined by the White House Environmental Justice Advisory Council (WHEJAC)
- Number of long term and seasonal jobs created
- Benefit to disadvantaged communities vs. dollars spent in same communities
- Expansion of renewable energy program access to marginalized communities
- Creation and required agency participation in an open, online scoring system that displays each agencies progress in achieving the Justice 40 goals

The Equitable & Just National Climate Platform, in partnership with the Center for American Progress and the Tishman Environment and Design Center, has developed a set of Justice 40 Recommendations comprised from two convenings of national environmental justice leaders. I strongly recommend adhering to the expert advice of this document, particularly recommendations of stakeholder engagement and accountability and fund tracking.<sup>13</sup>

**5. In your testimony, you described a great public-private partnership with a major employer that worked with your community to invest in community-building and resilience. How do climate disclosures help private entities become better partners to advance climate action and to anchor justice and prosperity in their communities?**

The science is clear. We do not need a financial forecast to calculate the climate risk posed to not only major US corporations, but local and state governments, small businesses, our entire domestic economy and families across our country. Right now today, we are experiencing, in real time, the devastation, physical and financial loss borne by those most unable to stand the burden due to failures of corporations to adequately prepare and disclose their climate risk. Private entities usually think of investors as those who contribute monetary value to their business or corporation and as a result, calculate risk based upon the impact to this specific group of individuals. But strengthening climate risk disclosure is a necessity for more than markets and investors. Somehow, we've allowed the idea that publically traded companies are excluded from sharing information with the "public"--also identified as the places in which corporate assets sit and the communities in which people live when those assets suffer loss. These are the "invisible

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<sup>13</sup> <https://cdn.americanprogress.org/content/uploads/2021/03/16083513/Justice40-Recommendations.pdf>

investors”—the American tax payers invested in the infrastructure and assets of our communities’ nationwide. More often than not, the brunt of climate related disaster expenses fall on communities most at risk to the impacts of climate change; communities of color and economically depressed regions. These “invisible investors” pay a high price when there is a market crash. They cannot short sell their stock in the community. They’re not able to redistribute the loss among other assets. Invisible investors will not be able to categorize the outrageously high electric and water bills as a capital loss and reduce their tax rate

There is hope. In addition to the broad benefits associated with managing systemic risk, improved reporting is also beneficial for the health of society as a whole, while ensuring the safety and welfare of vulnerable communities in particular. As corporations are required to undertake and disclose careful analyses of their exposures to climate risk, they will be incentivized by their investors to develop transition plans that diminish exposure to these risks. In addition, the transparency of climate risk and subsequent preparation will be an asset to public planning. As metrics to determine the potential financial risk to a company’s assets become more and more measurable, sharing this information can drive investment to marginalized communities as additional justification and leverage for infrastructure support. Correlating physical climate risk to public sustainability and resiliency preparations could not only result in reducing the impact of the threat, but also reduce the cost mitigation and future climate disaster related expenditures. Because policy risks—including the enactment of a carbon tax—are particularly salient for many corporations, disclosure of climate risks will likely prompt greater efforts by corporations to mitigate their greenhouse gas emissions. Economic research indicates that other related forms of disclosure have already resulted in reduced emissions: one study found that UK-incorporated firms reduced their emissions by an average of 14 to 18% after the government mandated that companies disclose their emissions in 2013.<sup>14</sup> To the extent that such mitigation occurs, they will provide climate benefits to society by reducing the severity of air pollution, the spread of infectious disease, the intensity of severe weather events, and the risks to the global food supply.<sup>15</sup> These benefits are multiplied in low income communities and communities of color. Given that the harms of climate change have been demonstrated to disproportionately harm those communities, strengthening risk disclosures can help corporations and regulators address disproportionate impacts of the physical risk to marginalized communities. Public policy is shifting to safeguard marginalized communities from further damage while spurring sustainable and resilient economic development. This includes not only direct physical effects like flooding and heat island effect,<sup>16</sup> but also economic impacts from increased food and energy prices and human health impacts due to respiratory illness and other diseases that are exacerbated by climate change.<sup>17</sup>

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14 Benedikt Downar, et. al., *The Impact of Carbon Disclosure Mandates on Emissions and Financial Operating Performance* (Stanford Graduate School of Business Working Paper No. 3873, May 2020), <https://perma.cc/ET7A52TV>.

15 Megan Ceronsky & Peter Heisler, *The Many Benefits of Reducing Carbon Pollution from Existing Power Plants*, EDF (May 15, 2014), <https://perma.cc/67CC-H9FW>.

16 IPI report; also studies on redlining that implicate flooding and heat

ILIANA PAUL, ET. AL., IMPROVING ENVIRONMENTAL JUSTICE ANALYSIS: EXECUTIVE ORDER 12,898 AND CLIMATE CHANGE 6–7, INSTITUTE FOR POLICY INTEGRITY (Jan. 2021), <https://perma.cc/58A2-M477>.

17 *Id.* at 6.

## The Honorable Garret Graves

1. **In responding to a question from Representative Miller, you asserted that United States companies that also operated in other countries were “not showing the same value to people across the world,” due to increased flaring in Nigeria. Do you think this speaks to the difference between the environmental standards and regulations in the United States as opposed to the less stringent standards in nations around the world?**

I think it speaks more to our lack of holding companies accountable to the same standards of protecting disadvantaged communities around the world. In the same way that the United States can and does limit trade, exchange and subsidies to companies who operate in certain countries for various human rights concerns, we should hold accountability the polluting industries in a similar manner. They are not only contributing to the disenfranchisement of marginalized people, but also contributing to the overall global emissions of our planet.

2. **As you know 90% of the world’s solar panels come from China, and critical minerals used in solar panels and batteries include cobalt that is mined in the Congo. According to multiple accounts, the use of forced (including assigned) labor to make these solar panels in China is common. Also, in the Congo, the use of child labor to mine cobalt – an important mineral used in renewable energy – is common. Given your comments on not showing the same value to people across the world, isn’t this a concern to you as well? Should we be importing solar panels or battery components that have any connection to forced or assigned labor, or any connection to child labor? Would you support legislation that requires, as a condition of receiving any federal subsidy for electric vehicles or solar panels, certification by the granting agency that no forced/assigned labor or child labor was used anywhere in the supply chain of these products?**

The United States government currently has an active policy regarding the procurement of goods produced with child labor under [Executive Order 13126](#),<sup>18</sup>. It requires the US Department of Labor to maintain a list of products and their countries of origin that have been produced by forced child labor.<sup>19</sup> Federal contractors who supply products on the list must prove they have made a good faith effort to determine if the products were produced under forced labor. In addition, Solar Companies have stood in solidarity against using products procured through the use of forced and/or child labor. In February of this year, over 175 companies signed a pledge to not only avoid use, but also advocate and help prevent these practices, specifically identifying Xinjiang, China as an example.<sup>20</sup> Combined, the United States is already well positioned to use existing regulations and agency guidance to assure that no products procured through forced or child labor enter any stream of supply chain that is in any way funded, even in part, with federal dollars. Congress should however, formalize Executive Order 13126 into law such that this cannot be reversed by any future administration.

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<sup>18</sup> formally titled Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

<sup>19</sup> <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/congo-republic>

<sup>20</sup> <https://www.seia.org/news/solar-companies-unite-prevent-forced-labor-solar-supply-chain>