



WRITTEN TESTIMONY FOR THE SELECT COMMITTEE ON THE CLIMATE CRISIS HEARING

Solving the Climate Crisis: Key Accomplishments, Additional Opportunities, and the Need for Continued Action

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WE ACT for Environmental Justice (WE ACT) is a Northern Manhattan-based membership organization whose mission is to build healthy communities. We do this by ensuring that communities of color and people of low-income lead in creating sound and fair environmental health and protection policies and practices.

We are the first people of color-led environmental justice organization in New York State and are the only environmental justice group with a permanent office in Washington, DC. Our Federal Policy Office also serves as the administrative anchor for the Environmental Justice Leadership Forum (EJ Forum) – a network of approximately 50 environmental justice advocates and groups in 22 states working together to advance policies that ensure the protection and promotion of communities of color and low-income communities throughout the U.S.

My name is Dana Johnson and I serve as Senior Director of Strategy and Federal Policy at WE ACT. I have more than 20 years of strategy, operations and advocacy professional experience in fields ranging from health and science advocacy, climate and environmental justice policies to cultural competence and diversity and inclusion leadership.

Thank you for the opportunity to testify today.

I want to thank Speaker Nancy Pelosi for responding to the growing threat of the climate crisis by convening the Select Committee on Climate Crisis; Chair Kathy Castor for her leadership in identifying and advancing ideas, policies and practices that can achieve substantial and permanent reductions in the contributors to climate change and environmental injustices; and all Members of the SCCC for your contributions to the work of the committee, including the late Congressman A. Donald McEachin. Mr. McEachin was a wise and compassionate legislator who cared about “the least of these” and the climate. He was an environmental justice champion in his district, the Halls of Congress, and communities across this country. Thank you, Congressman McEachin, for your co-leadership of the Environmental Justice for All Act and standing with communities in the fight for equitable and just permitting reform.

Climate change is a risk multiplier¹ because it exacerbates the environmental, financial, political and social barriers that exist within environmental justice communities. It increases the frequency, intensity and duration of heat waves that result in health risks, particularly for young children and the elderly. Recent estimates link more than 1,300 deaths in the U.S. to extreme heat events². In New York City, where WE ACT is headquartered, it is predicted that up to 75

¹<https://www.calhealthreport.org/2018/08/28/already-vulnerable-populations-face-greater-risks-climate-change-report-finds/>

²The impacts of climate change on human health in the United States: A scientific assessment. U.S. Global Change Research Program. <https://health2016.globalchange.gov>



days of the year could reach 90 degrees Fahrenheit by 2080³ and heat mortality rates will continue to rise significantly, resulting in 3,300 deaths annually by the same year⁴.

Climate change can also impact human health by worsening air and water quality and increasing the spread of certain diseases⁵. By the time that the SCCC report, *Solving the Climate Crisis: The Congressional Action Plan for a Clean Energy Economy and a Health Resilient and Just America* was released in mid-2020, COVID-19 cases in the U.S. had surpassed 2 million⁶. Low-income communities and communities of color are cumulatively exposed to disproportionate levels of air pollution and other factors that result in a higher incidence of the underlying medical conditions that are recognized as being especially lethal to those who contract COVID-19⁷ and we saw that reality in morbidity and mortality rates⁸.

WE ACT for Environmental Justice was among the environmental justice advocates asked to participate in solutions-oriented conversations that the SCCC held across the country prior to producing the report. Below is our initial response to the development and release of the policy recommendations:

“The COVID-19 pandemic and its disproportionate havoc in communities of color and low income is a symptom of a larger issue: a legacy of structural racism that resulted in policies and practices that facilitate extreme weather zones, economic impoverishment, environmental degradation, diminished health states, a lack of social cohesion, and other adverse living conditions. This is our time to address this legacy and the Climate Crisis Action Plan can be an effective tool for advancing substantive discourse and producing just laws that center remediation in climate policy, deliver energy democracy and economic benefit to low-income communities, improve indoor and outdoor air quality to actually meet attainment standards, and produce green spaces and healthy food systems that positively influence our morbidity and mortality rates. We look forward to working with members of the Select Committee on the Climate Crisis and all of our congressional leaders to create bold and equitable solutions that deliver on the pillars of the Climate Crisis Action Plan, where appropriate, and that lead to tangible gains in resolving the climate crisis.”

Key Accomplishments: Uplifting A Robust Body of Climate Policy Recommendations

WE ACT viewed COVID-19 as an environmental justice tipping point that required leveraging the SCCC Climate Action Plan to uplift and advance climate policies that could address legacy harms, transition our energy economy to less emitting sources, prepare and empower all members of the labor force for a green energy future, and build healthy communities for all Americans. We collaborated with partners in Colorado, Michigan and New York to organize a series of nonpartisan virtual town halls that brought elected officials and their constituents together for engagement on the more than 700 environmental, public health, and economic recommendations in the Climate Crisis Action Plan.

³WE ACT for Environmental Justice: Extreme Heat Policy Agenda. 2022.

⁴IBID.

⁵ <https://www.epa.gov/climatechange-science/impacts-climate-change>

⁶ <https://www.cdc.gov/museum/timeline/covid19.html>

⁷ <https://time.com/5815820/data-new-york-low-income-neighborhoods-coronavirus/>

⁸ <https://projects.iq.harvard.edu/covid-pm/home>



These events included:

- Colorado - Cumulative Pollution: A Call to Action & Response. In this event, local advocates articulated a critical need to advance clean air, clean water and pollution mitigation solutions. More than 70 community members, 5 staffers with Colorado State government, and a representative of the House Committee on Natural Resources participated.
- Michigan - Achieving Environmental Justice in Michigan's Most Polluted City (Detroit). Eighteen community members joined Congresswoman Rashida Tliab in an intimate conversation that connected recommendations from the Climate Action Plan with pollution mitigation, legacy clean ups, and other environmental injustices present in one of the most polluted zip codes in America: 48217.
- New York - Powering Change: New York Models for Equitable Energy Policy. We convened the leading voices in energy policy in New York State and, with Congressman Paul Tonko, identified policy recommendations in the Climate Action Plan that focused on training a green workforce, investing in community renewable energy, and increasing energy efficiency efforts. There were 5 staffers from the New York City government; 8 staffers from the New York State government; and 4 Congressional staffers among the more than 100 participants.

A follow up to the recommendations, WE ACT and members of the EJ Forum produced the Green Jobs Report: Creating a Green Workforce, Community-Based Solutions for a Diverse Green Jobs Sector⁹. This timely report outlines imperatives for bringing underrepresented groups into climate change work and the clean energy economy, and offers policy and best practice prescriptives for closing diversity gaps in the renewable energy industry.

Key Accomplishments: Historic Funding to Address Climate Change and Its Impacts

For too long, environmental racism has perpetuated disinvestment, environmental degradation and disproportionate health impacts in communities of color and areas of low income. The \$1.2 trillion of infrastructure investments in the Infrastructure Investment and Jobs Act and \$369 billion in the Inflation Reduction Act have the ability to bring overdue resources to support legacy pollution cleanups, upgrade water infrastructure, and begin the process of reducing carbon emissions from the energy, transportation, building and other sectors in ways that are outlined in the Climate Action Plan. WE ACT was pleased to see among the investments, allocations for:

- \$50 billion in climate resiliency;
- \$55 billion in clean drinking water;
- \$21 billion in environmental remediation;
- \$73 billion in energy transmission buildout;
- ~\$48 million in environmental justice investments for:

⁹ <https://www.weact.org/publications/green-jobs-report/>



- Air pollution monitoring and technical assistance;
- Upgrades to medium and heavy duty vehicles;
- Technical and financial assistance to improve access to clean air and clean water;
- Environmental justice and climate data collection; and
- Competitive grants for community-led projects.

Challenges: Attacks on Bedrock Environmental Processes

The infrastructure bill and the side deal attached to the Inflation Reduction Act have the potential to usher in a permanent weakening of the National Environmental Policy Act (NEPA) by shortening opportunities for public input, abbreviating permitting procedure for large infrastructure projects, increasing state authority to exclude projects from the NEPA review process, and by reducing or eliminating requirements to disclose conflicts of interest. The IRA addresses concerns about the pace of project approvals and supports modernizing the process by investing nearly \$1 billion in staff, systems and tools. We should use these investments as a foundation to build even stronger protections for all of us – including those most vulnerable to the effects of environmental racism and climate change.

Challenges and Opportunities: Equitable Deployment of Clean Energy

Principles for Accelerating Clean Energy Deployment Through Transmission Buildout in an Equitable Clean Energy Future

*The below set of Principles for Modifying the Federal Power Act to Accelerate Clean Energy Deployment through Transmission Buildout in an Equitable Clean Energy Future presents ideas to address challenges related to transmission siting, cost allocation and planning. Importantly, this set of principles is not meant to be considered alongside any side-deal type proposal related to environmental permitting or boosting fossil fuel development at communities' expense. **We must continue to unequivocally oppose the side deal and similar proposals.** In addition to this transmission-focused set of recommendations, **we strongly support passage of the [Environmental Justice for All Act](#)**, which is essential legislation to ensure that the clean energy transition centers, protects and supports communities that have endured decades of fossil fuel pollution. It is important to recognize that while this proposal is intended to improve the permitting process for certain transmission projects, it is one small piece of what is needed to address transmission-related barriers to achieving a 100% clean grid, and **work can be done now using existing authorities**, particularly with the passage of the IIJA and IRA. Finally, some of the recommendations below reaffirm existing FERC authority to advance transmission-related reform.*

Centering Environmental Justice in the transition to a renewable grid is critical to protect communities of color and areas of low income, who often face the first and worst effect of climate change. Energy democracy and a just transition framework are crucial to ensure an equitable energy transition that centers justice. This includes ensuring communities have the opportunity to fully participate in projects that will impact them.



With the passage of the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA), the United States has an unprecedented opportunity to dramatically cut our greenhouse gas emissions. To deliver on the promise of these acts, by 2030, we need to increase renewable energy deployment four-fold over today's levels. For that to happen, we also have to double the rate at which we're building out the transmission system and simultaneously shift to building more large, interstate lines instead of the small local lines that we mostly build today, while also continuing to grow distributed clean energy resources.

Broad claims about permitting being broken in the U.S. are generally unsupported by data. The absence of data doesn't mean changes aren't needed, but these broad claims are not helpful in identifying solutions. We expand our transmission system by about 1% annually, and inadequate planning processes are the principal bottleneck preventing that rate from increasing.

Existing data, conversations with industry, and our collective expertise point to one major obstacle that can be fixed through federal legislation: state-by-state permitting of certain large transmission projects. Every state touched by these lines effectively has veto power. The misalignment of costs and benefits caused by state-by-state permitting can be fixed at the federal level, but we must act quickly and boldly.

The principles offered below should guide transmission planning reform and the development of new federal legislation to move permitting and cost allocation of large, inter-state transmission lines to the federal level where all of the costs and benefits can be assessed holistically while enhancing the ability of communities to participate in the permitting process.

Electric Transmission Planning

- FERC must promulgate a rule requiring all FERC-jurisdictional electric transmission planning processes to achieve at a minimum, the following:
 - o Provide proactive outreach to and offer meaningful opportunities for affected communities who would be impacted by the proposed line to weigh in on options or solutions and help guide the planning determination.
 - o Calculate all the benefits of transmission, including GHG emissions data.
 - o Take into account and minimize siting challenges such as local environmental impacts and impacts on environmental justice and tribal communities.
 - o Ensure that, to the extent reasonably feasible but without impairing its mandate to assess and minimize environmental impacts on EJ and Tribal communities, the proposed transmission solution makes use of any existing rights of way, for any type of infrastructure.
- FERC must establish Environmental Justice liaisons (either within or outside of the Office of Public Participation) to support ongoing consultation and advanced planning in environmental justice communities and tribal nations. Include a budget for these positions.



- o Environmental Justice liaisons must establish a community partnership and communications program that employs the strengths of tribal, state, and local governments, as well as community-based organizations, faith-based organizations, schools, media, businesses, social services, ethnic organizations, and others to support transmission planning and implementation in affected communities.
- FERC must promulgate a rule requiring interregional electric transmission planning or specifying that regions plan for a minimum amount of interregional transfer capacity.

Siting/Permitting

- In addition to maintaining the National Interest Electric Transmission Corridor process, provide a bright-line definition for when a transmission line developer may obtain FERC review of its request to site regional or interregional transmission in lieu of existing review processes. If a developer of such a line seeks siting for the line and files an application with FERC, FERC must review the line.
- Two separate routes for developers to secure FERC review:
 1. The existing National Interest Electric Transmission Corridor process; or
 2. Direct FERC review if all of the following apply:
 - § 2 or more states
 - § 1000 MW or larger
 - § Enables renewables, reduces congestion or improves reliability
 - § Selected via the process laid out in “Electric Transmission Planning” Section
- FERC siting review process:
 - o In its review process, FERC must provide stronger protections for all impacted stakeholders—especially landowners and tribal and environmental justice communities—than it currently does under the Natural Gas Act, by rule or legislation. At a minimum, FERC must:
 - § Assess the environmental impacts on impacted landowners and communities, including tribal and environmental justice communities.
 - § Ensure its methodology accurately accounts for all impacted environmental justice communities.
 - § Ensure effective public notice to all impacted landowners and communities.
 - § Ensure that, to the extent reasonably feasible but without impairing its mandate to assess and minimize environmental impacts on environmental justice and Tribal communities, the route makes use of any already disturbed existing rights of way, for any type of infrastructure.
 - § Ensure meaningful and timely opportunity for input from impacted landowners and communities, including tribal and environmental justice communities, and state and local governments.
 - o Ensure close and proactive interagency coordination where overlapping permitting jurisdiction exists, especially with agencies charged with managing federal public lands.
 - o Incorporate a transmission advisory board provision similar to what is in the CHARGE Act, with the addition of mechanisms to ensure accountability



Cost Allocation

- Add legislative language for broad FERC cost allocation
 - o Require FERC to adopt a cost allocation methodology for regional and interregional lines that holistically reflects the multiple benefits provided by transmission solutions, including economic, reliability, operational, public policy, resilience to extreme weather, and environmental benefits (including reductions in carbon emissions and reducing harm to EJ communities).
 - o Permit FERC to allocate costs for such lines in proportion to share of demand for energy within the region served by the line where multiple benefits exist across the load served or where a benefit is known to exist but cannot reasonably be quantified.
 - o Explicitly allow FERC to set cost allocation for transmission to offshore wind.
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