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**U.S. House Committee on Oversight and Reform
“Building Back with Justice: Environmental Justice is Central to the American Jobs Plan”**

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Introduction

Good morning Chairwoman Maloney, Ranking Member Comer, and members of the Committee. I am pleased to join you to discuss President Biden’s Justice40 Initiative.

Justice40 is a historic step in the fight for equity and justice. Environmental Justice (EJ) and other disadvantaged communities are long overdue for investments in pollution-free energy and transportation, workforce and community development, affordable and energy-efficient housing, and clean water. We now have a critical opportunity to turn the tide against not only climate change, but decades of environmental, economic, and racial injustice.

Why we need the Justice40 Initiative

Longstanding discrimination in environmental, housing, infrastructure, and economic policies have forced communities of color to endure high levels of pollution, limited their economic mobility, and stymied equitable and climate resilient housing and community development opportunities. For many Black, Latinx, Indigenous and other communities of color, exposure to dangerous toxic pollution is a hazard of daily life. From extraction, to refinement, to burning fossil fuels and other pollutants, environmental hazards disproportionately threaten the public health of communities of color at every turn. Pollution-generating industrial facilities are concentrated in Black and brown communities. And heavily trafficked roads and highways, many of which were built near or deliberately through Black and brown communities, pump a constant cloud of pollution from cars and diesel-fueled trucks. A recent study found that fine particulate matter—the deadliest air pollutant—emitted by almost every major fossil fuel source [disproportionately](#) affects Black, Latinx, Indigenous, and Asian American communities, regardless of ZIP code and income.

All too often, these communities must face not just one, but many sources of toxic pollution. The cumulative impacts of exposure to high concentrations of pollution leads to [higher rates](#) of cancer, asthma, and other serious health problems, which undermine these communities’ ability to participate equally in the economy and live safe, healthy and prosperous lives.

Systemic and institutional racism has facilitated and exacerbated the concentration of dangerous pollutants in Black and brown communities. These structural inequities have taken many forms, ranging from redlining and discriminatory housing and lending policies; to chronic disinvestment in equitable and climate resilient infrastructure in Black and brown communities; to highways tearing through the heart of these communities and further cutting them off from economic opportunities; to inequitable access to high-quality schools, jobs, and financial services institutions. All of this and more has led to high levels of racial segregation, significant environmental and economic injustices in Black and brown communities, and a persistent and widening [racial wealth gap](#).

The stark racial wealth gap is a deeply concerning and cyclical problem. The uneven racial distribution of wealth hinders the ability of Black and brown people to receive equitable access to education, employment, housing, and the like. In turn, the corresponding lack of equitable outcomes in these critical facets of life further hinders Black and brown people from accumulating wealth and locks them into disadvantaged neighborhoods where they experience disproportionate environmental harms.

Tireless environmental and racial justice advocates, some of whom are on this panel today, have been on the frontlines of the fight for a pollution-free environment. They fought to get the very concept of “environmental justice” into the public sphere and discourse and succeeded. Now, many of them, including several of my fellow panelists, sit on the first-ever White House Environmental Justice Advisory Council (WHEJAC).

Two years ago, environmental justice organizations and national environmental groups co-authored and launched the historic [Equitable and Just National Climate Platform](#). The Platform called on the administration and Congress to mobilize major investments in communities overburdened by pollution and harmed by systemic racism and economic inequality.

The launch of the Justice40 Initiative earlier this year shows that President Biden is listening. This historic commitment to deliver 40% of the climate, clean energy and infrastructure investment benefits to disadvantaged communities was solidified in the president’s [Executive Order 14008](#). The commitment has the potential to direct billions of dollars to the communities most in need—communities of color, low-income communities, communities burdened by high levels of pollution, communities affected by the transition away from fossil fuels, and other disadvantaged communities.

These massive new investments could go toward diesel emission reductions from medium- and heavy-duty trucks; pollution-free and healthy ports; building affordable, energy efficient and transit-oriented housing; reconnecting neighborhoods that were deliberately segregated and

divided by highways; strengthening and enforcing environmental protections; building community solar projects; cleaning up and re-developing former industrial sites; and providing environmental justice grants to communities to address public health risks tied to high pollution levels. Overall, these funds have the potential to improve air quality, fight climate change, and create good jobs in these communities.

Justice40 could be the vehicle that delivers these long overdue investments. If implemented effectively and deliberately, the initiative can accelerate long-overdue progress toward environmental, racial, and economic justice. Along with Justice40, the administration and Congress must act to integrate environmental justice into the development of all national climate policies to improve the health, safety, and well-being of all Americans.

Effective Justice40 implementation

While the potential of Justice40 is unprecedented, Congress and the Biden administration must ensure its implementation delivers on its promise and delivers tangible benefits to disadvantaged communities.

Earlier this year, the Equitable and Just National Climate Platform, Center for American Progress, and the New School's Tishman Environment and Design Center convened environmental justice advocates and academics and developed [recommendations](#) to support the effective implementation of Justice40. The participants recommended that the administration take actions in six areas:

1. Identifying and mapping environmental justice and other disadvantaged communities by improving the Environmental Protection Agency's (EPA) EJSCREEN tool to include CalEnviroScreen's pollution burden and exposure, health, and socioeconomic indicators, and establishing a tiered approach to prioritizing investment benefits to the communities that need them most. This would allow the administration to immediately target investment benefits to EJ communities as it works to develop a new *Climate and Economic Justice Screening Tool*, as directed by President Biden.
2. Establishing an effective, accessible, and inclusive stakeholder engagement process with clear goals and frequent consultation that allows EJ advocates to speak for themselves.
3. Identifying and addressing critical service gaps in energy, transportation, housing, economic and workforce development, water, and healthy communities and climate-resilient infrastructure through an inclusive process.
4. Providing clear program criteria that maximize federal investment benefits and avoid harm in EJ communities. All federal agency programs should have criteria that address pollution, climate change, and the potential for new development to price people out of their communities. These safeguards are critical to ensuring that federal investments

measurably improve the lives of people in communities historically overburdened by pollution and economic and racial injustice.

5. Improving existing federal programs and creating new ones to expand access to renewable energy and energy efficiency improvements for low-income communities and communities of color; increase the size of EPA EJ grants; establish a National Environmental Justice and Climate Justice Fund; and invest in climate education, leadership development, and job training.
6. Ensuring accountability by charging White House and Cabinet-level leaders with Justice40 implementation, hiring environmental justice experts in the White House and federal agencies, and publicly tracking federal investments and benefits delivered. Justice40 implementation must also be a top priority across the federal agencies.

Building on these recommendations and a [report](#) by the White House Environmental Justice Advisory Council, the Center for American Progress released a report last month with additional [recommendations](#) on Justice40 implementation. In our report, we recommend that the national climate advisor, the Council on Environmental Quality (CEQ), the Office of Management and Budget (OMB), and agency leaders take immediate steps to do the following:

1. Overhaul application and reporting requirements, provide technical assistance, and waive cost-sharing rules to make grants and other federal aid more accessible to disadvantaged communities. Cost-sharing requires grantees to bear a percentage of the costs of projects funded by the federal government, and
2. Work with Congress to increase the amount of federal funding that flows directly to communities, including by changing distribution formulas; expanding existing infrastructure, such as Community Development Financial Institutions and community development corporations, that communities need to access critical investments; and increasing annual appropriations to programs that funnel resources directly to disadvantaged communities.

The role of Congress and the House Oversight and Reform Committee

Congress, and this Committee especially, has an important role to play when it comes to accountability on the Justice40 Initiative. One of the biggest areas for oversight on Justice40 is ensuring that disadvantaged communities receive at least 40% of the benefits from federal climate and infrastructure investments, and that the benefits delivered are real. All too often, federal funds intended to benefit disadvantaged communities either fail to reach those communities or inadvertently cause harm.

For example, funds from the EPA's Brownfields Cleanup Grants—a program essential to pollution cleanup—were used to partially remediate the area that is now the New York City High

Line, a former abandoned railroad track turned into an urban greenspace. The surrounding area completely transformed after it opened in 2009 and many local businesses and longtime residents were forced out as rents and the cost-of-living skyrocketed due to a rapid increase of surrounding property value.

There are also many hurdles for disadvantaged communities trying to receive grants and other funds from the federal government in the first place, such as weak program criteria, lack of protections against community displacement, cumbersome application and reporting requirements, technical assistance gaps in communities, and capacity constraints at agencies. Congress and this Committee must hold federal agencies accountable in addressing these barriers to investment.

In the same executive order that established Justice40, President Biden called on the CEQ Chair to create a *Climate and Economic Justice Screening Tool* to identify disadvantaged communities and support Justice40 implementation. This Committee can ensure that this tool is designed well and developed in collaboration with environmental justice advocates and academics. This will guarantee that the tool targets Justice40 investments to the communities that need them the most. Passing Rep. Cori Bush's (D-MO) Environmental Justice Mapping and Data Collection Act of 2021 (H.R. 516) would be a crucial legislative step in assuring the tool correctly identifies disadvantaged communities.

President Biden also called on the Director of OMB, the CEQ Chair and the Administrator of the US Digital Services to create and share publicly an Environmental Justice Scorecard that details agency environmental justice performance measures and tracks agency progress toward the Justice40 goal. This Committee can certify that the scorecard accurately measures and portrays the administration's performance on Justice40.

Several states are also taking actions to ensure Justice40 oversight and accountability. Fellow panelist Harold Mitchell is supporting efforts to ensure Justice40 oversight and success in South Carolina, to identify opportunities to address environmental injustice through targeted investments in communities, and to submit recommendations to the CEQ. This Committee can support those efforts by ensuring that the administration works closely with states to implement Justice40 and that the CEQ takes into account recommendations and lessons learned from Justice40 implementation and oversight in South Carolina and other states.

Conclusion

The Justice40 Initiative is an unprecedented opportunity to repair the harm caused by systemic racism; unfair federal and state policies; and disinvestment in Black and brown communities. Congress and the administration must ensure that equity and environmental, racial, and economic justice remain the core goals of the Justice40 Initiative throughout its implementation, and that it

delivers real and measurable benefits to disadvantaged communities. This Committee must play a key role in ensuring that these benefits are delivered to right the wrongs of environmental and systemic racism and to protect the fundamental right of all communities to breathe clean air, drink clean water, and have access to economic opportunities and safe and affordable housing so they can live healthy and prosperous lives.