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POLLUTION AND PANDEMICS: COVID-19'S DISPROPORTIONATE IMPACT ON  
ENVIRONMENTAL JUSTICE COMMUNITIES

TUESDAY, JUNE 9, 2020

House of Representatives,  
Subcommittee on Environment and Climate Change,  
Committee on Energy and Commerce,  
Washington, D.C.

The subcommittee met, pursuant to call, at 12:00 p.m., via Webex, Hon. Paul Tonko [chairman of the committee] presiding.

Present: Representatives Tonko, Clarke, Peters, Barragan, McEachin, Blunt Rochester, Soto, DeGette, Schakowsky, Matsui, McNerney, Ruiz, Dingell, Pallone (ex officio), Shimkus, Rodgers, McKinley, Johnson, Flores, Mullin, Carter, Duncan, and Walden (ex officio).

Also Present: Representatives Rush, Castor, Sarbanes, Kennedy, and Burgess.

Staff Present: Jeff Carroll, Staff Director; Jacqueline Cohen, Chief Environment Counsel; Adam Fisher, Policy Analyst; Waverly Gordon, Deputy Chief Counsel; Tiffany Guarascio, Deputy Staff Director; Anthony Gutierrez, Professional Staff Member; Caitlin

Haberman, Professional Staff Member; Rick Kessler, Senior Advisor and Staff Director, Energy and Environment; Brendan Larkin, Policy Coordinator; Dustin Maghamfar, Air and Climate Counsel; Elysa Montfort, Press Secretary; Joe Orlando, Staff Assistant; Kaitlyn Peel, Digital Director; Tim Robinson, Chief Counsel; Nikki Roy, Policy Coordinator; Jennifer Barblan, Minority Chief Counsel, Oversight and Investigations; Mike Bloomquist, Minority Staff Director; Jerry Couri, Minority Deputy Chief Counsel, Environment & Climate Change; Jordan Davis, Minority Senior Advisor; Theresa Gambo, Minority Human Resources Office Administrator Tyler Greenberg, Minority Staff Assistant; Tiffany Haverly, Minority Communications Director; Peter Kielty, Minority General Counsel; Mary Martin, Minority Chief Counsel, Environment & Climate Change; Brandon Mooney, Minority Deputy Chief Counsel, Energy; and Brannon Rains, Minority Policy Analyst.

Mr. Tonko. Good afternoon.

The Subcommittee on Environment and Climate Change will now come to order. Today, the subcommittee is holding a hearing entitled "Pollution and Pandemics: COVID-19's Disproportionate Impacts on Environmental Justice Communities."

Due to the COVID-19 public health emergency, today's hearing is being held remotely. All members and witnesses will be participating via video conferencing. As part of our hearing, microphones will be set on mute for purposes of eliminating inadvertent background noise. Members and witnesses, you will need to unmute your microphone each time you wish to speak. Documents for the record can be sent to Adam Fisher at the email address we have provided to staff. All documents will be entered into the record at the conclusion of the hearing.

I now recognize myself for 5 minutes for an opening statement.

COVID-19, obviously, has drawn a lot of attention, and as an epidemic, we know that it has exposed that, in many cases, worsens long-standing environmental injustices. Communities exposed to particulate matter and other air pollutants that cause asthma, COPD and other respiratory illnesses are now at even greater risk of death from COVID-19, a devastating illness that we know is disproportionately impacting communities and affecting minority and low-income communities.

According to a recent CDC's analysis, African Americans represented 33 percent of COVID hospitalized patients, and nearly a quarter of COVID deaths, despite only comprising 18 percent of the communities studied. These disparities are even greater in certain communities. EPA has taken numerous deregulatory actions over the past 3-1/2 years, including adopting a nonenforcement policy during the pandemic, leaving many communities wondering who, if anyone, will stand up to protect their health and their

safety from very real and lasting harm.

Our members of this subcommittee have made environmental justice a top priority, and we are committed to ensuring environmental justice is central to our work moving forward.

I want to recognize and thank several of our subcommittee members, in particular, Dr. Ruiz and Mr. McEachin, who fought to include language in the HEROES Act, to codify EPA's environmental justice grants program, and provide up to \$50 million to build capacity of environmental justice community groups. The HEROES Act also requires States and utilities receiving Federal emergency funds to take steps to prevent water and energy shutoffs for the duration of the COVID-19 emergency, and establishes a new program to help people with payments for drinking water and wastewater expenses. I want to recognize Mrs. Dingell for her leadership on these vital measures. These are good and important policies, but this work is nowhere close to done. Communities that have long faced the worst injustices continue to suffer more air pollution and vulnerability to our changing climate. Our approach must be equal to this challenge, building a comprehensive strategy that works to restore environmental justice for communities of color and low-income neighborhoods.

Today, we will hear from experts on how COVID is impacting communities that already face disproportionate harms from pollution. We welcome Ms. Patterson and Mr. Shay to the subcommittee, and welcome back Mr. Ali. Thank you for grounding us in this timely and necessary discussion as we grapple with our national history and presence of systemic racism. We need to deepen our awareness of our environmental policies and their disproportional consequences.

There is a reason we call this convening a hearing. As Members of Congress, we need to listen, listen to the communities who have felt these unfair, unjust impacts for

decades; listen to the experts who have done the work for years, and are best prepared to offer meaningful perspectives and material solutions. And we must resolve to hear them, and then act accordingly to address these longstanding harms.

I look forward to hearing your perspectives on the intersection of environmental justice and COVID-19.

And I yield the remaining time to one of the great leaders in Congress on this issue, the subcommittee vice chair, Dr. Ruiz.

Dr. Ruiz.

Mr. Ruiz. Thank you, Chairman Tonko, and the witnesses for joining us today.

COVID-19 has exacerbated what we have known all along, that low-income rural communities and minority communities have greater disparities in health. One reason is because they are more likely to experience environmental justice disproportionately, breathing polluted air, and drinking dirty water due to neglect or decisions by others that affect their environment. That is why I introduced H.R. 6692, the Environmental Justice COVID-19 Act, which would authorize \$50 million for EPA EJ grant programs to monitor pollution and investigate the impact of COVID-19 on environmental justice communities.

I also introduced the comprehensive H.R. 3923, the Environmental Justice Act of 2019, which requires agencies to consider the environmental justice implications of their programs, policies and activities to help protect our communities and vulnerable populations. I want to thank Mr. Ali, one of our witnesses here today, who worked with us on this bill.

As a physician and someone who represents constituents who have experience too many environmental injustices, I am committed to working with members of this committee to create a cleaner and healthier environment for all.

Thank you. I yield back.

Chairman, you are on mute.

Mr. Tonko. I will learn this thing eventually.

The chair now recognizes Mr. Shimkus, ranking member of the Subcommittee on Environment and Climate Change. Good to see you, Mr. Ranking Member, and the floor is yours for 5 minutes for an opening statement.

You need to unmute.

Mr. Shimkus. Thank you.

I am in D.C. with Congress Member McKinley and Congressman Johnson. I did check the doors to 2123. You did have them locked this time, so that is why we are down here, and it is great to be with you.

An important hearing. I know Doc Burgess also asked for racial disparities on health outcomes, so this kind of merges along with Dr. Burgess's request, and he is joining us and waiving on to the hearing today.

Today's hearing topic is especially timely, given all that everyone has confronted in recent weeks. Amid the human toil of the pandemic from disease and deaths and unprecedented economic shutdown, our Nation is now having raw and necessary conversations in response to George Floyd's tragic and unnecessary death.

Against this backdrop, this hearing aims to explore the impacts of the COVID-19 pandemic on minority, low income and other disadvantaged communities around the Nation. I agree with the chairman's comments announcing the hearing that we should focus on the resources to address the environmental and economic hardships the pandemic has laid bare. Nobody should dispute the human toil when economic opportunity abandons communities.

February's testimony this year from the United Utility Workers Union in America described how harmful effects on family and the economic social and physical collapse of

communities that followed the loss of good blue collar and middle-class jobs, as factories pull out or power plants close down.

Whether community collapses from losing economic opportunity or not having the opportunity in the first place, the solution is the same: remove barriers and provide incentives to lift economic prospects for those most in need. This is the surest way to help people, their health, and their environment.

The good news is there are practical policies and resources available to address some of the environmental issues, revitalization needs, and barriers to increasing economic opportunity for disadvantaged communities. During the subcommittee's hearing on this subject last fall, we examined how EPA works to help ensure these communities have the information, the know-how to participate in local and State planning. Witnesses provided compelling examples how EPA's technical EJ grants and land revitalization and brownfields program improved environmental quality and economic prospect for communities, in large part, providing the front-end improvements that leveraged tremendous amount of additional private economic investment.

It is a credit to this committee's bipartisan work of updating the brownfields program, that today, we can look forward to increased economic progress for low income, minority, and other disadvantaged communities across the Nation that use these tools.

In terms of the pandemic and the environment, we are a long way from having a full picture of the relationship of COVID and pollution on low income and minority communities. To be sure, CDC's official data shows that there has been a disproportionate impact of COVID-19 on black mortality overall, in many States, but not all States. It is widely understood that pollution burdens can have a disproportionate impact on people with chronic underlying health problems, like diabetes, asthma,

cardiovascular disease, and on disadvantaged communities, given all of these other factors that impact welfare and healthcare access. One off study should not prioritize how we address the problems. Congressional critics of the administration have cited a widely reported and criticized Harvard University study in early April to say EPA air quality decisions are off track. This study hypothesized that particulate matter levels increased COVID-19 risk. But even the unpublished paper's senior author told The Washington Post that this was preliminary, and the study should not be used for policymaking.

For committee purposes, it is more helpful to take lessons from EPA's official annual air trends report, which was released yesterday, and I ask for unanimous consent that that be submitted for the record. This shows continued reduction in air pollution around the Nation. It reports 40 percent reduction in the number of days listed as unhealthy for sensitive groups. This demonstrates that allowing States to implement existing standards continues to drive cleaner air, and is positive news for everyone. Let's focus on what worked.

In the same way, programs to accelerate economic opportunities should also be allowed to make a difference. For that reason, I would like to welcome Shay Hawkins today, President of the Opportunity Funds Association. Mr. Hawkins will talk about the great potential for bipartisan establishment of opportunity zones enacted in the 2017 Tax Cuts and Jobs Act, to tie into existing programs in low income and disadvantaged communities to attract the private capital necessary to assist economic development and jobs creation. Mr. Hawkins can talk about how the program works, how it can work with existing EPA programs, and what can be done to improve and expand it to better address the pressing issues confronting disadvantaged communities today.

This is the kind of bipartisan program we should work with to the benefit of all people and communities in need, as we seek economic recovery. And I look forward to



discussion.

I also have with me, Mr. Chairman, a list of the economic zones in Illinois. There are 326 of them throughout the State, many in my district in rural poor areas, but also 180 in Cook County.

And with that, I yield back my time.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Chairman Pallone, chair of the full Committee of Energy and Commerce for 5 minutes for your opening statement, please.

The Chairman. Thank you, Chairman Tonko.

Today, we are continuing the committee's work to combat the COVID-19 pandemic by looking at its disproportionate impact on environmental justice communities, and it is heartbreaking to think that more than 100,000 Americans have died from this horrible virus.

It is also alarming to see the devastatingly high rates of infection and death for communities of color, low-income communities, Native American communities, and fence-line communities, those that -- for example, the communities adjacent to chemical plants or Superfund sites, of which we have many in my home State of New Jersey. And we often refer to these committees as environmental justice committees, because they are the ones most in need of environmental justice. For too long, the people living in these communities have borne a disproportionate share of pollution and its health risks. It is these risks that are contributing to people of color dying from the coronavirus at significantly higher rates than others. And we have long known that particulate matter and other forms of air pollution cause respiratory disease, including asthma. We have also known that low-income communities and communities of color are exposed to higher concentrations of air pollution, because for years, polluters have chosen to build

their facilities in these communities, and as a result, low-income people and people of color suffer greater incidents of respiratory disease and other adverse effects.

And now we have scientific evidence showing a direct link between communities living with more air pollution and high rates of COVID-19 deaths.

So we simply can't allow this to continue. And, unfortunately, the Trump administration is only making the public health and environmental crisis worse. When the Trump administration rolls back protections under the Clean Air Act, it hurts these communities most. When this administration announces that it will not enforce some environmental laws and regulations during the pandemic, that hurts these communities, too. And when President Trump issues an executive order circumventing the National Environmental Policy Act, or NEPA, that completely cuts the voices of these communities out of the decision-making process.

So this subcommittee continues to focus on fighting for environmental justice, and Representative Ruiz, who already spoke, led the efforts to increase environmental justice grants in response to COVID-19 as part of the HEROES Act, which passed the House last month. Representative McEachin, the coauthor of that bill, has also been a leader in developing other comprehensive legislation on environmental and climate justice.

And I also wanted to thank Chairman Tonko and Rush for working with me to include an environmental justice section in our CLEAN Future Act that we unveiled in January.

So this hearing is happening at a truly crucial moment in our Nation's history. We are fighting a global pandemic, tens of millions of Americans have lost their jobs, and, of course, peaceful protestors are demanding racial justice following the murder of George Floyd. So, we have a lot of work to do.

I just want to thank the witnesses for joining us today, and I wanted to yield the 2

minutes I have left, Mr. Tonko, first, a minute to Mr. McEachin, and then 1 minute to Representative Rush. So I yield now to Representative McEachin first.

Mr. McEachin. Thank you, Chairman Pallone, and thank you for yielding your time and lending us your leadership.

As people across our country come together to pray for peace and demand action, I am proud to serve with you on a committee that recognizes its role and its responsibility to fight injustice. The pain and anger brought about by the deaths of George Floyd, Ahmaud Arbery, Breonna Taylor, and too many other black Americans has forced our Nation to have a real and urgent discussion about systematic racism and inequality.

Like those before me, I know firsthand the dissonance of a lived experience that does reflect the inalienable rights of every American. Like those before me, I have hoped and prayed that swift action will finally be taken to protect black lives from violence.

In watching Americans of all races and backgrounds take to the streets, it has shown me that our Nation is at a critical point. We can, must, and we are, rising together to fight for justice in all its forms. For too long, black and brown and underserved communities have suffered the devastating impacts of environmental justice living on the front lines of our climate crisis, and fence lines of polluting industries, also without the necessary resources to respond to the impacts, nor the influence in the political process to promote equitable outcomes.

The fact that black Americans disproportionately die of COVID-19 exposes the deadly consequences of this truth. It is a truth that we cannot and will not accept.

Mr. Chairman, I yield back.

The Chairman. If there is any time left, Mr. Chairman, I would like to give it to Mr. Rush.

Mr. Tonko. We will yield a few -- or half a minute to Mr. Rush, please.

Mr. Rush. Mr. Chairman, can you hear me?

Mr. Tonko. I can hear you.

The chairman has yielded to you, Representative Rush.

(No audio.)

Mr. Rush. Can you hear me now?

Mr. Tonko. We can hear you now. Sorry, Bobby.

Mr. Rush. Thank you, Mr. Chairman, and I want to thank Chairman Pallone for yielding to me.

The COVID-19 pandemic has brought our Nation to a screeching halt. The rules that we place our most vulnerable communities, especially the black and brown communities, means these roles have not diminished and nothing has changed at all. These [inaudible] remain ever present in our healthcare system, criminal justice system, and even in the air that we breathe and the water that we drink.

While our Nation mourns the loss of George Floyd and other victims of systemic racism, we must not forget the myriad of other injustices that are facing our communities. We must use this increased focus as an opportunity to shine a bright light on important issues, such as environmental justice issues and issues of the environmental justice community.

With that, I thank Chairman Pallone, and I thank you, Mr. Chairman, for your extraordinary leadership, and for convening today's critical hearing.

And I yield back.

Mr. Tonko. Thank you. The gentleman yields back. The chair yields back.

The chair now recognizes Mr. Walden, ranking member of the full committee, for 5 minutes for your opening statement.

Representative Walden.

Mr. Walden. Thank, Chairman Tonko. Thank you to Chairman Pallone as well.

I know Mr. Flores was trying to get back into the system. He got knocked out, just for our technical folks.

The last 3 months have exposed the deep challenges our country faces. The coronavirus pandemic swept across the globe. It left in its wake tremendous loss of life, including more than 110,000 of our citizens who lost their lives in the United States alone, massive economic upheaval with tens of millions of American workers losing their jobs, and drastic adjustments to each of our daily lives.

And then recently, our Nation was rocked again by the senseless and unjust death of George Floyd. This incident highlighted the systemic challenges facing the black community in America, and I join those who have raised their voices to protest the deadly brutality imposed on George Floyd and other instances of shocking, unacceptable violence against minority communities in the United States.

I share everyone on this committee's call for real and sustained work to pursue reforms that will actually make a difference to successfully address these difficult and these complex issues. Listen, learn, act.

As a country, we should be listening to others with different viewpoints and backgrounds, learning about their experiences and feelings, and taking action to form a more perfect union that ensures justice and equality are available to all Americans regardless of skin colors.

In many ways, today's hearing seems to touch upon all of these different circumstances. There is bipartisan desire to explore how COVID-19 disproportionately impacted minority communities, whether it be socially, environmentally, or economically.

Indeed, last month, Dr. Burgess, the Republican leader on the Health

Subcommittee, sent a letter to the Democrat majority requesting a hearing on racial disparities related to COVID-19, and how Congress can reduce these disparities. More examination is needed to understand those health outcomes and how to improve them, and I hope the majority will take Dr. Burgess up on his request.

Whether it is healthcare or the environment, one of the most important keys to addressing the challenges of community of color, including COVID-19, is economic development. Economic prosperity can bring employment opportunities, better healthcare, improved education, a healthier environment, more efficient emergency services, stronger tax base, and new infrastructure. We have seen this work in our committee that is done to help spur economic development across American communities.

For example, last Congress, we worked together to reauthorize and improve the EPA's brownfields program. Under this program, EPA awards grants to local communities to repurpose abandoned, closed, or underutilized sites into new infrastructure, such as parks and sports stadiums. It is estimated that \$100,000 of brownfields grant money on average be leveraged into 8-1/2 jobs, real dollars, real jobs, real change.

There is also Opportunity Zones programs, which was a bipartisan effort enacted in the 2017 Tax Cuts and Job Act. Opportunity zones are economically distressed communities located in urban, rural, and Tribal areas, selected by Governors of each State, and territory and the Mayor of D.C. The Opportunity Zones program aims to encourage economic development in these areas through tax incentives, and we have seen encouraging results from this initiative.

So I look forward to hearing more about the program today, and how it can improve and enrich communities all across America.

According to one of our witnesses, Mr. Hawkins, the head of the Opportunity Funds Association, nearly \$10.8 billion has been secured by the Opportunity Funds prior to COVID-19. Again, real dollars, real change, and that will result in real jobs and real economic opportunities. Everyone sacrificed during this economic shutdown, but without question, hourly workers and distressed economic communities have suffered the most. Construction workers alone lost almost a million [Inaudible].

That is why if we care about these communities, we need to reopen the economy and do it safely.

We also need to reject overly burdensome regulations that might sound good in a sound bite but do little to help the environment while keeping workers from finding good-paying jobs.

Throughout my congressional career, I focused on solutions, on identifying and understanding challenges and then working together to find bipartisan effective solutions to those challenges. My Republican colleagues and I sincerely believe that economic development, as well as employment and educational opportunities, are key solutions to addressing many of the disparities for rural minority and economically distressed communities. Those are foundational tools for a prosperous society and a vital community. Translation: Real dollars, real jobs, real change.

So I look forward to hearing from our witnesses today, and I thank you, Mr. Chairman, for holding this hearing, and I yield back the balance of my time.

Mr. Tonko. You are most welcome. The gentleman yields back.

The chair would like to remind members that pursuant to committee rules, all members written and opening statements shall be made part of the record.

We now move to our witnesses, and I will now introduce the witnesses for today's hearing.

First we have Ms. Jacqueline Patterson, Senior Director of the Climate and Environmental Justice Program at the NAACP. Next, we have Mr. Mustafa Santiago Ali, Vice President of Environmental Justice Climate and Community Revitalization of the National Wildlife Federation. And then, finally, we have Mr. Shay Hawkins, who serves as President of the Opportunity Funds Association.

I now recognize Mr. Patterson -- excuse me, Ms. Patterson for 5 minutes, to provide an opening statement.

**STATEMENTS OF JACQUELINE PATTERSON, SENIOR DIRECTOR, ENVIRONMENTAL AND CLIMATE JUSTICE PROGRAM, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP); MUSTAFA SANTIAGO ALI, VICE PRESIDENT, ENVIRONMENTAL JUSTICE, CLIMATE, AND COMMUNITY REVITALIZATION, NATIONAL ADVOCACY CENTER AT THE NATIONAL WILDLIFE FEDERATION; AND SHAY HAWKINS, PRESIDENT, OPPORTUNITY FUNDS ASSOCIATION.**

**STATEMENT OF JACQUELINE PATTERSON**

Ms. Patterson. Thank you so much. I appreciate you. Thank you so much to the Committee on Energy Commerce and its Subcommittee on Environment and Climate Change. A special thank you to Anthony and Adam, who stuck with me in spite of my noncompliance with all logistical directions leading up to these remarks. Anyway, thank you all for your leadership and convening this critical conversation, particularly in these times when the chronic and systemic racial disparities are in the spotlight for our Nation.

As we all know, the same systemic inequities that make certain populations differentially vulnerable to various impacts from the COVID-10 pandemic are the same



systemic underpinnings that comprise the root causes driving environmental injustice, including climate change. Racism, xenophobia, sexism, combined with poverty, housing insecurity, racial profiling, differential access to healthcare, under-resourced education, privatized criminal justice, and disproportionate exposure to pollution that attacks the lungs, rendering communities even more vulnerable to COVID-19 that also targets the lungs, these are all critical commonalities.

One recent study found that even small increases in fine particulate matter, such as PM2.5, have an outsized effect on COVID-19 in the United States. An increase of just 1 microgram per cubic meter corresponded to a 15 percent increase in COVID-19 deaths. Evidence shows that people who have been living in places that are more polluted over time, they are more likely to die from the coronavirus. In one study -- in the same study, which looked at 3,080 counties in the United States, people who had lived in counties with long-term pollution exposure for 15 to 20 years had significantly higher mortality rates, likely due to the higher risk of existing respiratory and heart diseases in the areas of high pollution, and these are our communities.

To add to the injustice, African American and Latino American people are typically exposed to 56 and 63 percent more PM2.5 pollution than they produce through consumption and daily activities, yet, another dimension to the injustice.

Furthermore, the health effects associated with indoor air pollution include respiratory illnesses, heart disease, and cancer, each of which have been linked to increased vulnerability to mortality due to COVID-19. And, once again, African Americans are more likely to have respiratory conditions exacerbated by indoor air pollution.

Once again, we have a response by the administration that prioritizes protecting the profits of big corporations while comparatively neglecting to advance action at the

scale and depth that truly upholds the well-being of people.

As we talked about in our NAACP Fossil Fueled Foolery report last year, the tie between corporate interests and some of our policymakers and our policies are far too enmeshed. And so, instead of strengthening regulations to reinforce protections for our communities that are made vulnerable by poor air quality, we have an administration that has rolled back over 100 regulations in the context of COVID-19, thereby paving the pathway to poisoning of our communities.

All of this combines to ensure that black, indigenous, and other communities are facing the harshest fallout of direct impacts of COVID-19, just as we in the EJ community saw in Hurricane Katrina, the BP oil drilling disaster, and more, in each and every one of these disasters, including the COVID-19 pandemic.

With racism as a through-line that imperils us at every turn, not just in extreme circumstances such as disasters, but merely when we are walking in a park, making a purchase in a store, jogging down the streets, sleeping in a dorm hallway, sleeping in our own bedrooms, in our own homes, or merely just breathing air. These are simple actions that white American people take for granted that is not as risky to their very existence, but time and time again, we have seen how structural inequities lead to inequities in health, well-being, and our very existence on earth.

Modern day redlining leads to under-resourced infrastructure and lack of choices in our communities. We have 71 percent of African Americans living in counties in violation of Federal air pollution standards. We have the domination of policies by big agriculture, and domination of our markets with foods high in sodium, sugar and preservatives. We are more likely to get a Cheeto or a Dorito than quinoa or kale.

The lack of green space has made us less likely to exercise, and the combination of these factors leads to the very illnesses that have made us more vulnerable to COVID-19

at worse, and shortens our lifespan and quality of life, even in the absence of this pandemic. At every turn, the deck is stacked against us, and the very people who pay the price include people like Louisiana matriarch Antoinette Franklin and her three sons, living in one of our Nation's most polluted petrochemical storage [Inaudible], they all died within days of each other of COVID-19.

To pivot to solutions, the good news is that our communities are organizing ourselves to build solutions to what is before us now with COVID-19, and including the challenge of climate change, given the common underpinnings and impacts.

Frontline communities are rising up and putting together platforms of reforms at the Federal, State, and local levels. At the same time, we are implementing changes on the front lines, forging linkages, organization to government entity, nonprofit to nonprofit, and so forth.

Communities are demanding reinstatement and strengthening of environmental regulations. We are demanding research and policy on racial impact analysis. We are doing our own testing and monitoring of air, water, and soil quality. We are calling for stronger regulations on household products, and a more inclusive toxic release inventory. Communities want policies that support localism and regenerative design, as well as clean energy and building and vehicle electrification.

Communities are calling for the retirement of coal debt of rural alleged co-ops that are struggling to survive and serve their members only, and we are rising up against systemic racism.

Thank you so much. I will end by saying the people in power must get behind those on the front lines. Again, get behind the leadership of frontline community to scale up, scale deep, and scale forward.

Thank you so much.

[The prepared statement of Ms. Patterson follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Tonko. Thank you for joining us, Ms. Patterson, and for your statement.

Next, we will recognize Mr. Ali. You are recognized for 5 minutes, sir.

Mr. Ali, you might have to unmute.

Mr. Ali. How's that? Can you hear me now?

Mr. Tonko. We can hear you now. Thank you.

You have 5 minutes, please.

#### **STATEMENT OF MUSTAFA SANTIAGO ALI**

Mr. Ali. All right. Well, you missed the best parts in that first 3 seconds.

Chairman Tonko, Ranking Member Shimkus, and members of the committee, on behalf of the National Wildlife Federation, our 52 State and territorial affiliates and more than 6 million members, and environmental justice communities across the country, thank you for the honor of testifying before you today.

I was thinking about this testimony, and I was raised in a family of Baptist and Pentecostal ministers, deacons, and deaconesses, so my grandmother came to my mind, and she used to have a favorite verse, and it is Amos 5:24: "Do you know what I want? I want justice, oceans of it. I want fairness, rivers of it. That is what I want. That is all I want." My grandmother used to say, "When you know better, do better."

Today's hearing comes at a critical moment in the history of our country. Frontline communities are under attack for multiple emergencies happening at the same time. Black communities are dealing with the systemic racism that has infected the policing in our communities that is literally choking us to death.

The rolling back of environmental rules and regulations has us gasping for air, due

to the cumulative public health impacts of the burning of fossil fuels in our communities. COVID-19 continues to devastate black and brown and indigenous communities, both in infections and deaths. So when we say, "I can't breathe," we literally can't breathe.

Over 2 million Americans have been infected with the coronavirus and over 113,000 have died. Communities of color across our Nation's health and wealth are being impacted by the burning of fossil fuels that is a significant driver in the climate crisis, and the impacts from the coronavirus that we find ourselves dealing with.

We have over 500,000 homeless citizens in our country, and many of them are at risk, both from air pollution and the lack of clean, accessible water, which is critical to both personal hygiene and the ability to protect oneself from COVID-19 infections.

The last time I joined you, I shared that disproportionately the majority of fossil fuel facilities are located in communities of color, lower wealth communities, and on indigenous lands. 2.4 million miles of pipeline is crisscrossing our country, traveling to indigenous land through farm country and ends up on the Gulf Coast in vulnerable communities who often have to bear the burdens of the toxic exposures.

As has been mentioned earlier, in our country, we have over 100,000 people who are losing their lives each year prematurely to air pollution. That is more folks that are dying from toxic air than are dying from gun violence. We have 25 million with asthma and 7 million kids, and many of our communities of color and lower income and lower wealth communities are literally dying for a breath of fresh air.

We know that many of our communities are closely located to toxic facilities, and they are suffering from chronic medical conditions, heart disease, liver disease, kidney disease, and lung diseases, as well as the cancer clusters that we find across our country. We also know that these chronic medical conditions make people more susceptible to the coronavirus.

Unfortunately, we have communities who are also in medically underserved areas, which compounds the impacts by making it difficult to access proper medical advice and treatment.

To add additional insult to injury, the Trump administration decided to stop enforcing environmental laws, due to the pandemic. The current administration has also diligently been weak in U.S. environmental protections, even amid the coronavirus crisis, by rolling back the Clean Car Rule and instituting the executive order rollback that we saw as weakening the National Environmental Policy Act, known as NEPA. Each of these current actions and a list of previous actions makes overburdened communities more vulnerable today and in the future.

I just want to hit a couple of quick facts that I want to make sure folks are aware of as I close out. In 2018, EPA's own National Center for Environmental Assessment shared a study focusing on particulate matter in our country that highlighted the fact that people of color are much more likely to live near pollution and breathe polluted air. The study went on to share that people in poverty are exposed to more fine particulate matter than people above poverty. And the International Agency for Research on Cancer named particulate matter as a known definite carcinogen, and has been named by the EPA as a contributor to a number of significant health conditions, along with heart disease, lung conditions, high blood pressure, low birth weight for babies, and asthma.

So I know I am about to run out of time, but I just want to mention a couple of quick things that we have to pay attention to. We have got 80 million people in our country who are uninsured and underinsured, which is creating an additional set of challenges. We talked about the medically underserved areas which are often also located in what we call frontline communities, or our most vulnerable communities. And we also know we have a wealth gap that exists inside of our country.

So I am thankful to this committee that you are thinking critically, one, about addressing the environmental and public health impacts that continue to happen, and how we also make sure that we are merging economic opportunities, and I am one who believes that we have an incredible amount in the clean energy space.

So I am looking forward to our conversation today and unpacking many of these challenges that still exist in a pathway forward.

[The prepared statement of Mr. Ali follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



Mr. Tonko. Thank you, Mr. Ali, and thank you for your presentation. We look forward to the conversation.

And now, Mr. Hawkins, welcome again. Thank you for joining us. You are now recognized for 5 minutes, and please unmute if you haven't.

#### **STATEMENT OF SHAY HAWKINS**

Mr. Hawkins. All right. Well, Chairman Tonko, Ranking Member Shimkus, and the members of the committee, it is a pleasure to be with you today. I am the President of the Opportunity Funds Association, a trade association whose members are entrepreneurs, investors, developers, and fund managers operating in opportunity zones.

The Opportunity Funds Association is an advocacy, education, and communications organization established to enable our members to participate in public policy, share best practices, and communicate the industry's contributions to distressed rural and urban communities across the country.

So through our members, we connect capital to overlooked areas, improving lives, creating opportunities, and ensuring the long-term economic growth in America's most vulnerable communities.

So prior to co-found the Opportunity Funds Association, I was tax counsel for Senator Tim Scott, representing South Carolina, and while working for Senator Scott, I was helping him to champion the Investing and Opportunity Act. The Investing and Opportunity Act was a bipartisan piece of legislation that was authored on the Senate side by Senator Cory Booker and Senator Tim Scott, and the House side version was authored by Representative Ron Kind and Representative Pat Tiberi.

This legislation allows individuals or corporations with a capital gain to defer payment of taxes on that capital gain provided that they reinvest that capital gain in one of 8,700 distressed communities across the 50 States, five territories, and the District of Columbia. The areas that are eligible for this benefit were selected by governors. Every governor was able to designate 25 percent of the economically distressed census tracts in their State or territory as opportunity zones. And so, that selection process happened shortly after the opportunity zone provision, which was based on the Investing and Opportunity Act was passed and the Tax Cuts and Jobs Act.

And so when we are looking at the residents of these designated opportunity zones, we are looking at areas that have a higher than normal population of African Americans, a higher than average population of nonwhites overall. We are looking at areas with a higher poverty rate, obviously. We are looking at areas that also have lower median incomes, and higher rates of brownfields.

So of the opportunity zones that were selected, about 10 percent of those -- you know, those represented by 10 percent of U.S. census tracts overall, but they represent over 30 percent of America's brownfields are found in these areas and in these census tracts. And so, you know, the opportunity zone provision provides a special chance that we have to help create jobs in areas for folks who are disproportionately affected by COVID, COVID-19.

So as of April 30, 2020, \$10 billion have been attracted into opportunity funds, which is the vehicles that invest in opportunity zones, and Secretary Mnuchin estimates that over \$100 billion will come into opportunity zones over the next decade. So it is a great tool.

Of the \$65 million that have gone into brownfields remediation programs and those grants, of the 150 designated areas and designated grant projects, 118 of those are

in areas that overlap with opportunity zones, so that the folks who are dealing with those remediation dollars will be able to also take advantage of the opportunity zone provision as well.

So, again, great potential here to help alleviate the conditions for folks who are living in opportunity zones that directly overlap with economic justice communities, and I look forward to talking to the community about it.

[The statement of Mr. Hawkins follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Tonko. Thank you very much, Mr. Hawkins. Thank you for joining us and thank you for your inputs.

That concludes our witnesses' statements. We will now move to member questions. I will now begin by recognizing myself for 5 minutes.

Again, let me thank our witnesses for their testimony. I believe it is critically important that we measure our response to the COVID pandemic by how we respond to the needs of our most vulnerable and most impacted citizens.

So, Ms. Patterson, from your perspective, why should environmental justice be an important component of addressing COVID-19?

Ms. Patterson. Thank you so much.

Yes, both from the direct connections that we see in terms of the places with high levels of pollution being the places where we see more of COVID-19 impacts, that is a direct correlation that calls on us to address air quality as a way of mitigating the impact of COVID-19. And then also, as I was saying before, the systemic underpinnings that make communities much more vulnerable to COVID-19, and to environmental injustices are something that we have to very explicitly address, or we are going to see ourselves in the same position time and time again going forward.

Thank you.

Mr. Tonko. Thank you so much.

And, Mr. Ali, why do you think it is necessary that our COVID response and recovery efforts be centered around righting what have been historic injustices?

Mr. Ali. Well, you know, there are a number of reasons why we have to do that. One, these injustices cost our country a huge amount of money in relationship to the healthcare impacts that are going on. It also affects a number of other things that go on

in people's lives in the communities that have been disinvested in everything from education, to housing, to a number of the other components that stop communities from being able to move from surviving to thriving, if you will.

So we have a huge amount of opportunity right now to redirect and reinvest in these communities, because the reality of this situation is that this is not the only pandemic that we are going to face, and if we are not willing to help these communities to become resilient and to build the foundation that are going to be necessary to deal with future pandemics, to deal with, you know, what we are going to have happening today and tomorrow in relationship to the climate emergency, then it is going to end up costing us much more. So it just makes sense to invest today and not wait until tomorrow.

Mr. Tonko. And many members and stakeholders, including businesses, are talking about building back better. So, Mr. Ali and Ms. Patterson, do you think we can truly claim to be building back better if we don't address historic and disproportionate pollution burdens?

Ms. Patterson. Hi. Thank you.

Very good question. Yes, I think it is impossible. We have to address the pollution burdens or we won't be able to aid the people who are [Inaudible] living in the building will have such a compromised existence in health that we won't be able to build, and better is not possible when you have a whole swath of society that is suffering under the myriad impacts of pollution. And the very fact that without addressing pollution, then the whole planet suffers, so how is it possible to build back better.

Thank you.

Mr. Tonko. You are welcome. Thank you.

And, Mr. Ali?

Mr. Ali. Yeah. You know, my father was an engineer and a builder and, you know, he used to often talk about foundations, and if you leave a foundation that is not properly built and that is not dealing with all of the aspects of the weight that it has to hold, then it will crumble.

So we have an opportunity to actually build strong foundations inside of our country. We have the resources. We have the ingenuity. We have the information that is necessary. What we need to have is the will to prioritize, you know, addressing our past mistakes. You know, sometimes we get anchored to the past and, you know, the egregious things that have happened. Well, yes, we should understand our history, but we should also be focused on the moment now and in the future that we can actually make real change happen.

Mr. Tonko. Well, I am certain that we will hear many good specific solutions this afternoon on how to instill environmental justice in COVID response and economic recovery packages. So can you provide some perspectives on how we should think about environmental justice more broadly? How is it connected to racial justice and economic justice?

Mr. Ali?

Mr. Ali. Oh, I am sorry. I thought that that was for Ms. Patterson.

Mr. Tonko. No, no. That is for you.

Mr. Ali. Well, no. So first, let's make sure we are setting the table correctly. Environmental justice is an environmental issue, but it is also a transportation issue; it is a housing justice issue; it is a public health issue; and it is an economic justice issue and a few other elements.

So when we understand that, and we take a holistic approach to making positive change happen, then we find the intersection points for numbers of different people who

have expertise and resources coming from different directions.

So that is where, I think, we should be starting. Lots of times we will silo these issues. And, of course, committees have responsibility for certain items, but I will raise up the fact that at the Environmental Protection Agency, when I was there, I ran the interagency working group that had 17 Federal agencies and couple of White House offices that we could be utilizing at this time to actually make sure that, one, we are better understanding the impacts that are happening from COVID-19 on our most vulnerable communities, but also, how do we begin to marshal both all the actions that you all have been moving forward on, and the additional things that frontline communities and others have been asking for to actually holistically make our communities stronger and more resilient.

Mr. Tonko. Thank you so much.

The chair now recognizes Mr. Shimkus, our subcommittee ranking member, for 5 minutes, please, you may ask questions.

Mr. Shimkus.

Mr. Shimkus. Thank you, Mr. Chairman. And it is again great to be with all my colleagues and friends again.

You know, we talked -- it is important to talk about our past mistakes, but I also think it is important to talk about past successes, and that is why I am glad that Mr. Hawkins is joining us today. Mr. Hawkins, you were a Senate tax and trade counsel for Senator Scott and helped him draft the opportunity zone provisions in the 2017 tax cut law. My understanding is that these provisions had wide bipartisan support. Can you talk about that bipartisanship briefly?

Mr. Hawkins. Sure, sure, absolutely. So the original Investing and Opportunity Act which the opportunity zones provision and tax reform was based off of, that Act had



44 House Democrats, 44 House Republicans, you know, by design. You know, folks were brought on to the bill two by two. And it also had 16 Senators, eight Republicans, eight Democrats. And, again, it was led on the Senate side by Senators Booker and Scott, and on the House side by Representatives Tiberi and Kind, and so we saw that bipartisanship there.

Mr. Shimkus. What was the reaction of local communities and governments to these provisions of the law?

Mr. Hawkins. We saw a great reaction. One huge difference between this policy and, you know, pretty much every other community development program that is developed to this point is that we put so much in the hands of local governors to select the zones, to select the areas that would benefit from this policy. And so, you know, the governors, you know, across the country, you know, rose to the challenge, and they chose zones, you know, based on nonbinding criteria. We asked them to look for areas that had a great need, areas where there was great opportunity and areas where there were mutually reinforcing Federal, State and local policy.

So to a large extent, on the local level, you see local municipalities and State governments stepping up to introduce complementary legislation to support the opportunity zones policy, and really sort of put it on steroids, as it were. And, so, there has been great excitement on the State and local level.

Mr. Shimkus. And this included minority communities, Tribal communities, and economically distressed communities, didn't it?

Mr. Hawkins. Yes, absolutely. So the opportunity zones that were chosen, you know, the basic criteria, you know, you had to have a poverty rate above 20 percent and, you know, an average income, average median family income that is less than 80 percent of the State average or, if you are near a large city, then 80 percent of the metro average.

So just in the basic criteria of what can be selected, you know, you are looking at distressed areas; but in what was ultimately selected, you know, you are looking at areas that are more heavily minority than normal. You are looking at areas that are lower median income than normal, and you are looking at areas that, you know, from an environmental standpoint, you know, encapsulate 30 percent of the Nation's brownfields.

Mr. Shimkus. Right. And that is the convergence of what this committee of jurisdiction has done, too, is that brownfield reauthorization.

Mr. Hawkins. Yes.

Mr. Shimkus. So when you marry the two. In my opening statement, I did mention the opportunity zones in the State of Illinois, and we have 326 of them. Some of them in my congressional district; they are rural poor. But again that, 326, 180 are found in Cook County. Obviously, Illinois is a big State where we have Cook County and everything north of I-80 and all the rest of us, so we look forward to that and trying to address the debate about how you rise people up, the best way to do that is jobs, empowering them. Then they can pay taxes to local community and economic development, and that has been our approach. So as much as we want to take time about our failures in the past, I do think we need to take a timeout and say the opportunity zones legislation in H.R. 1, married with brownfield redevelopment, is doing a lot to help these communities; wouldn't you agree?

Mr. Hawkins. Absolutely. There are a lot of problems that could be solved with a good job, problems that affect all of us. And so, the goal of the policy is that everyone who has the ability to work had the opportunity to work.

Mr. Shimkus. Thank you very much.

Thank you, Mr. Chairman. I yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Chairman Pallone of the Energy and Commerce Committee for 5 minutes, please.

The Chairman. Thank you, Chairman Tonko.

And I am so excited with the incredible optimism coming from these witnesses. I can't ask Mr. Hawkins a question because I have so many questions to ask of my other two witnesses; but I do want to say, Mr. Hawkins, first of all, I like the fact that you seem to have a picture of Teddy Roosevelt on the wall there who's one of my favorite Republicans.

Mr. Hawkins. Yes, yes.

The Chairman. You also mentioned my favorite presidential candidate in Senator Cory Booker, and, finally, you mentioned the brownfields program, which truly is, as Mr. Shimkus knows, bipartisan, and I was very fortunate to start the program with a bill when Christie Whitman who was the Republican Governor of New Jersey was the EPA Administrator, I worked on it with Paul Gillmor, and then we reauthorized it with John Shimkus.

So thank you for all of that, but I am moving on to my other two questions with my questions.

But I wanted to say, Mr. Ali, when you talked about -- you did that biblical reference to the oceans and rivers associated with justice and fairness, that was so wonderful, from Amos, I think. You know, I live at the Jersey Shore, and I go down to the ocean sometimes at the end of the day, and I think of the ocean as a great equalizer, I really do. But at the same time, I know there is a lot of people, particularly minorities, that live near toxic waste sites, you know, don't have the opportunity maybe to look at the ocean and enjoy it the way that I do.

And I also wanted to say to Jacqueline Patterson, thank you so much for stressing

the need for legislation in the advent of what we face today, that we have to concentrate on what we can do legislatively because we are legislators.

So my questions are about legislation, and also input from the community. As I think you know -- and I will ask both Mr. Ali and Ms. Patterson -- we introduced in the HEROES Act, we had provisions to ensure access to affordable drinking water and to fund environmental justice grants. We also have been responding to environmental justice by putting these grants, which I mentioned before, in the HEROES Act for environmental justice communities.

So I wanted to ask you: Is this a good idea what we have done? Are there other legislative initiatives that we should try to initiate? And then, secondly, impact from the communities, I am critical of President Trump because he has done all of these things to circumvent NEPA and cut funding for impacted communities and not enforce environmental regulations, and some of that is going to make it more difficult for those communities to have input into decisionmaking. You know, we have the right to know. Senator Lautenberg always talked about the right to know. We have tag grants.

So my question is, legislation, what should we be doing and to have more input in the community and how, you know, some of these Trump actions are circumventing NEPA and making it more difficult for the communities to be heard, if you will. I know I took up a lot of time, but if you could just answer those two questions about legislation and getting input from the communities that might be limited now with Trump's actions.

I will start with Ms. Patterson.

Ms. Patterson. Thank you so much. I appreciate that.

Yes, certainly, there are a number of actions legislatively that we are putting forward. I think the ones that you mentioned were definitely good in terms of provisions in the HEROES Act, and I specifically mentioned them. I actually don't know

whether this would be a legislative or administrative, but I talked about the retirement of the coal debt that is being held by the rural electric co-ops who are really suffering during these times for sure as the member owners have compromised livelihoods.

Also, not only in terms of not restoring the regulations back, but also strengthening those regulations because they are always compromised by struggles to really have them be as strong as they should be. We also need to be making sure that we have -- I know that in the HEROES Act, I believe there is a provision in terms of a moratorium on utility shutoffs.

We also need to be thinking about how do we make sure that we are ensuring reducing energy burden and ensuring affordability of energy across the board and what does that look like, and also, making sure we are moving away from subsidizing fossil fuel energy that is causing so much of the pollution that is harming the health and wellbeing of frontline communities as well as the planet, which also causes harm as well.

And then I would just say, because I want to yield space for other folks, is that we need to be focusing now, you know, hurricane season started last Monday. We need to be focusing on pre-disaster mitigation, because as this combines with the disaster that we are dealing with now with COVID-19, we need to be making sure that we have civil and human rights at the center of emergency management. We've seen past failures in that, and we've seen that come a long way, and we need to go further in terms of making sure that we have a standard, a new standard, that goes beyond returning homes to pre-disaster States that are so challenging, whether it is from indoor air quality, and otherwise, that we actually build back better, as we said earlier.

So those are just a few examples. I will yield the floor back. Thank you.

RPTR WARREN

EDTR CRYSTAL

[1:01 p.m.]

Mr. Ali. I would share that one of the other things that we need to also continue to expand upon is natural infrastructure. There are literally millions of jobs from a CCC type of paradigm that we could institute to actually help our country get back to work. So that is one of the areas.

The other one is around food deserts and food insecurity that we find in many of our communities of color and lower wealth White communities. So we need to also be focused there because we have to have a healthy population.

You know, we talk a lot about jobs. When somebody is not healthy, they are not going to be able to work efficiently and effectively. So we have got to do that.

And then there is one that sometimes probably makes people a little nervous, but I have to share it anyway. We need to have stronger enforcement where needed.

And here is the interesting dynamic that we find.

Mr. Tonko. I think we are done with the 5 minutes there. I am sorry to cut you off. Maybe we can catch you in the next round of questioning.

Next we recognize Mr. Walden, ranking member of the full Committee on Energy and Commerce, for 5 minutes of questioning, sir.

Mr. Walden. Well, thank you very much, Chairman Tonko.

And thanks again to all of our witnesses for your presentations, your answers to questions. Really helpful, especially for those of us out here in the West -- where, by the way, it is pouring rain today. And so, anyway, we are glad you are here.

I want to say a couple of things before we get into the questions on the NEPA

reform. As somebody that represents a district where over 55 percent of the landmass is controlled by the Federal Government, I have got a tiny, little, rural, impoverished community literally with probably two dozen people in it that took more than 3 years to go through the NEPA process to plant four power poles so they could finally get three-phase power into this low-income, rural part of my district. They had to put those power poles on BLM land. And it took them 3 years to go through a process. NEPA was never intended to cause that kind of delay. And so I am glad they are making some reforms in NEPA.

And I also want to say the Trump administration, frankly, in the economic policies that they have put in place, have given us, prior to COVID, the strongest economy and the lowest unemployment for every sector of America's economy we have seen. And so I think good-paying jobs, low-cost energy put America back on its feet. And, unfortunately, we had to shut everything down with COVID, as did everybody across the globe.

I want to ask Mr. Hawkins about the opportunity zones program. You have done a lot of work in this space. I think it has done a lot of good. There has been some criticism in the press, however, that the program just benefits wealthy real estate investors and doesn't really help those in need. And I would love to get your take on that.

Mr. Hawkins. Sure. The policy primarily supports two different types of projects. You have real estate projects, and then you have operating businesses.

And so what we found is once we passed the opportunity zones provision, from an implementation standpoint the rules that govern real estate were produced much, much more quickly than the rules that govern operating businesses.

And that is because it is a little bit simpler, right? Real estate is all located within

the census tract. All of the income comes from within the census tract, et cetera.

And so because those regulations were out first, the real estate projects were the first to take off. They are kind of, again, that low-hanging fruit. And, again, all of these are beneficial.

The real sort of meat of the program, where the real long-term job creation comes, is with those operating businesses developing down the line. And so we don't have a transparency and reporting bill that gives us a very clear look into the types of businesses that are created and the direct job creation within the zones. And so that kind of hinders us.

So you have a lot of folks in the media who are kind of speculating. They know that you can use the policy to turn a dollar into ten dollars and they know rich people have capital gains. So they just sort of speculate that it has only benefited rich people, but that is not the case.

Mr. Walden. All right. So tell me what you are seeing actually happen on the ground then in these real estate opportunity zone agreements. Give us an example or two.

Mr. Hawkins. Yeah. Absolutely. So we have members that specialize in things like luxury hotels. But they had a heart for impact even before opportunity zones were passed into law.

One of our -- our charter member, in fact, has a policy where they do one luxury hotel, one affordable housing facility, one luxury hotel, one affordable housing facility. So they have that balanced portfolio in order to get the best out of the policy while at the same time doing good.

And that same charter member has actually been partnering with organizations like Chicanos Por La Causa and the Urban League and others to sort of reproduce this



model across the country in areas that have less sort of on-the-ground knowledge of the community.

So that makes sure that the development that occurs is developing in line and in a way that is going to have a positive impact on that local community.

Mr. Walden. All right. I see my time has expired. I want to thank again all of our witnesses for your energy, your presentations today.

And, Mr. Chairman, I yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Representative Peters for 5 minutes, please.

Will you unmute, please?

Mr. Peters. Thank you, Mr. Chairman.

And thank you to the witnesses for coming out today and joining us.

I want to thank Mr. Ali for coming back. Last time we met was before this committee. We were discussing challenges facing communities on the front line of climate change, and we talked about environmental and health risks that disproportionately harm communities of color and low-income communities. We talked about coastal floods forcing planned relocations in Louisiana and Alaska and about exposure to air pollution increasing the risk of asthma attacks in communities of color. And today, of course, we are talking about the same disparities following the same frontline communities and this time in the context of an infectious disease pandemic.

Growing data show the extent to which COVID-19 is disproportionately affecting poor and minority communities. Poor air quality in these communities is strongly associated with a higher risk of death from COVID-19, and a recent Harvard study shows that the long-term exposure to air pollution, such as particulate matter and ozone and other hazardous air pollutants, leads to a large increase in COVID-19 cases and related

deaths. So weakening clean air protections and rolling back regulatory protections, again, threatens to cost more lives.

The most vulnerable Americans are the hardest hit by climate change. To right these environmental injustices, we have to prepare our State, Tribal, local, and territorial public agencies to adapt to an already-changed climate. And we also talk often about what will we spend on adapting to climate change that we know is going to happen.

But I think we also have need to recognize that anything we do to mitigate climate change, because climate change has the biggest negative effect on these disadvantaged communities, anything we do to mitigate climate change will have the greatest effect and the most benefit to those same communities.

I wanted to ask a couple of questions to Mr. Hawkins about some of the job losses and particularly in the context of clean energy. According to the latest analysis of clean energy job losses, we lost almost 600,000 clean energy jobs in April, and in your testimony you describe the important role that clean energy plays in opportunity zones. What role do you see for clean energy investments in the economic recovery?

Mr. Hawkins. Yes. Well, I definitely appreciate that.

So while the designated opportunity zones have disproportionately high numbers of poverty and things along those lines, they have actually seen some real leadership on the clean energy side of things. So when we look at particularly solar, the opportunity zones have 475, I believe -- I was just double-checking my testimony -- but I believe 475, and I can --

Mr. Peters. Yes, 475 solar installations producing more than 1 megawatt of activity and 127 wind farms and 15 battery plants.

Mr. Hawkins. Yeah, absolutely.

And so we have seen that because the entire policy draws in innovation. And so

we have seen a lot around clean energy. We have seen a lot around solar. We haven't seen as much on the wind side. But, again, we are looking at \$100 billion dollars that are coming to these communities over the next 10 years.

And what is important is that every business doesn't have to be necessarily organic to an opportunity zone. It can be a business that was placed anywhere and they can build a subsidiary in an opportunity zone. So what it does is it lowers the cost of capital for those clean energy projects, and when you put that and overlay that with some of the other works that you guys did, have done around clean energy and around the various clean energy tax credits, those are mutually reinforcing to what you see in opportunity zones.

Mr. Peters. I am going run out of time. But I just want to say, I hope that our committee thinks about, as we recover from the pandemic, investing in things that both create jobs and reduce carbon emissions. And I think that there are opportunities around that, too.

And finally I just want to say to Mr. Walden, who told you that it was raining in the West, at least in areas in San Diego represented by Democrats, it is a sunny day here.

I yield back.

Mr. Tonko. Okay. We are getting the updated weather reports from the West Coast. The gentleman yields back.

The chair now recognizes Representative Rodgers, please, for 5 minutes.

And I will remind our Representative to unmute. And 5 minutes is yours.

Mrs. Rodgers. Hi. Good morning, everyone. Continuing from the West Coast. It is partly cloudy, partly sunny here.

Anyway, it is good to be with all of you. I want to thank our panelists for your presentations and appreciate the focus on this important topic today.

Certainly our vulnerable communities have borne an unproportionate share of the current health and economic crisis, and I am glad that we have an opportunity to discuss some specific steps as to what we can do to improve people's lives and to continue our pursuit for a more perfect Union.

I appreciated what Congressman Shimkus, the ranking member, had to say about reflecting on past mistakes but also past successes as we seek to live up to our American ideals. And economic revitalization programs can have a significant impact on areas of the country that are experiencing economic stagnation, and especially in these former industrial areas. I have seen it in eastern Washington. I have seen it in Spokane. And these areas can have a particular negative impact on both a community's health and economic potential.

So cleaning up these areas has the positive impact of improving the environmental health of a community, along with the amazing potential of creating more jobs. And as others have mentioned, a job is so foundational to both addressing environmental issues in this case, but also improving people's health, providing housing, and creating that foundation for a better life.

In Spokane, we have had an incredible amount of success and economic growth in the last decade, and part of it is due to some former industrial sites that have had tremendous economic development. EPA's brownfields Program has been an essential tool that Spokane has used to realize the economic benefits of these former industrial zones.

So the last Congress this committee reauthorized the brownfields program. It was led by Mr. McKinley. And I am proud of the bipartisan support of this important program. The opportunity zones that have been discussed this morning, including the Tax Cuts and Jobs Act, another tool that is being used to encourage these distressed

communities and encourage the investment that we need so that we can transform these areas into more prosperous and more healthy areas.

So, Mr. Hawkins, first I want to thank you for your work developing the opportunity zones program during your time with Senator Scott. As you know, the members on this panel are proud of what EPA's brownfields Program and related technical assistance can do to prepare communities for economic development.

I just wanted you to describe again how many of the Opportunity Zones also overlap with Brownsfields sites and just talk to the significance of this overlap.

Mr. Hawkins. Sure. Sure.

So of the 151 communities that that have been designated for those remediation funds, for that \$65 million-plus, 118 of those are also overlapping opportunity zones. And so folks will be able to leverage both.

And we look at that focus, that is actually part of an initiative. The White House Opportunity Revitalization Council was structured to bend every resource of the Federal Government from a community development perspective to sort of -- you can look at it as favor opportunity zones. So when you are looking at permitting, when you are looking at anything, you go to the top of the stack if you are in an opportunity zone.

And the point is to leverage the policy as much as possible. And we see it with Brownfield remediation, we see it with other areas, the FCC and rural broadband. And it is just very exciting.

Mrs. Rodgers. How does that track with what your initial prediction was?

Mr. Hawkins. Well, again, we are on track to get the funds in. The real focus for you all on Capitol Hill and the focus for State and local governments is not so much making sure the capital goes in. The leverage of the policy guarantees that. We just have to make sure that the capital benefits the existing resident of distressed

communities, and so far it seems to be.

Mr. Tonko. The gentlelady yields back, I believe.

And the chair now recognizes Representative Barragan for 5 minutes, please.

Please unmute.

Ms. Barragan. Thank you, chair Tonko.

This is a very timely hearing, given the protests calling attention to the systematic racism in our country. Systematic racism is widespread and includes housing and environmental policies that have disproportionately impacted our Black and brown communities. An important part of achieving racial justice is addressing environmental justice.

Black and brown communities in my district have suffered greatly from the current pandemic. Our air pollution levels are among the worse in the country, which has caused high rates of asthma and respiratory diseases.

Those ailments have been shown to make COVID-19 deadlier to those who have them because of how the infection attacks the lungs and the respiratory system. This makes communities in my district more vulnerable to the coronavirus. It is a preexisting health and environmental crisis made worse by the coronavirus. So we need action.

There has been a lot of talk about opportunity zones. I supported opportunity zones to help create jobs. But that is not going to help our Black and brown communities that have to live in these communities right next to air pollution.

So, Mr. Ali, one of the legacies of redlining, the government-sanctioned denial of home loans and insurance to communities of color, is that our housing is disproportionately located near polluting industries, for example, oil refineries in my district.

Can you talk about how the systematic racism from our housing policy is part of

the reason our communities are disproportionately exposed to air pollution and solutions we can implement to overcome this?

Mr. Ali. Most definitely.

You know, historically we have with our housing stock moved people into certain locations, into Sacrifice Zones. And then many of the negative things that were brought in were attracted to these places because of the disinvestments that were actually going on in those spaces.

So as you said, we can travel across the country and you can find where certain actions in relationship to bad housing practices have put people's lives in danger, whether we are talking about, as Ms. Patterson raised earlier, Cancer Alley there in Louisiana running between New Orleans and Baton Rouge.

If you look at folks in North Carolina, in Princeville, founded by freed slaves and moved into certain areas, and then the disinvestment. So there you have folks who have been hit by major hurricanes back to back and can't rebuild.

If you go down to South Carolina, to near the Little Pee Dee River that is there, you actually have seniors, seniors of color, and lower-wealth White communities also, who, because of the housing stock that they have been in and placed in, they are in greater danger.

Unfortunately, also now we have these processes in place where they can't even rebuild their homes. They have to lift them up a certain distance to meet code but there are no resources to help these seniors to actually be able to do that.

We can literally travel around the country and see how redlining, restrictive covenants, and a number of things have actually pushed people of color -- and sometimes lower-wealth communities, but primarily folks of color -- into these areas and then all of the negatives that come with that.

Ms. Barragan. Well, thank you.

Ms. Patterson, thank you for all your work with the NAACP combating environmental racism in our country. Many years ago as a college student I was an intern at the Washington Bureau with Hilary Shelton fighting racial health disparities. So I appreciate all the work that your organization does on that issue, on civil rights issues across the country.

We have seen newly published studies linking exposure to particulate matter pollution to an increase in deaths from coronavirus. Ms. Patterson, what investments can we be making in our Black and brown communities to reduce these pollutants, and do you believe that includes addressing the pollution that comes from vehicles?

Ms. Patterson. Thank you so much. Absolutely. And I appreciate you service with the Washington Bureau.

So, yes, absolutely in terms of reducing pollution from vehicles, including one of the projects we are working on is our transit equity, clean air, helping communities initiative which really looks to do just that by working on passing ordinances to transition bus and truck fleets to electrification to remove that hazard from communities.

We also need much stronger, again, air pollution standards from the Clean Air Act and its rulemaking, and also we are working on advances clean air ordinances at the local level so that, whether it is refineries or coal-fired power plants or other types of production plants, are not there causing, you know, emitting those pollutants.

We also need to really be thinking not just about what we are stopping but what we are advancing. So in addition to advancing bus and truck electrification, we need to be thinking about building electrification, greater energy efficiency and clean energy, and how do we invest in that transition as an alternative to the harmful ways that we are generating energy now, as well as shifting to zero waste, because we know the



incinerators are also burning waste and putting PM2.5 and other pollutants into the air.

So thank you. Those are the types of investments I would recommend.

Ms. Barragan. Well, thank you for your response.

With respect to the investments in transportation, I just want to quickly mention, I have introduced the Climate Smart Ports Act to invest billions of dollars into reducing emissions in and around ports where we see a lot of communities of color live and suffer from air pollution.

With that, Mr. Chairman, thank you. And I yield back.

Mr. Tonko. The gentlewoman yields back.

And we now recognize Representative McKinley for 5 minutes.

Representative McKinley, just unmute and you have your 5 minutes.

Mr. McKinley. Thank you, Mr. Chairman.

Look, last November this subcommittee held a similar hearing on challenges facing frontline communities as they transition away from fossil fuels. We highlighted towns like Welch, West Virginia, Gillette, Wyoming, Harlan, Kentucky, and Petersburg, Indiana, all of which depend on fossil fuels for their livelihood and existence.

Now, 8 months later let's revisit Welch in McDowell County. Welch is unique. It has a minority population, the largest in West Virginia, at 35 percent minority. It is now experiencing a poverty rate of 27 percent. Unemployment had grown to 15 percent. And this lack of jobs has led McDowell County to having the highest drug overdose rate among all the counties in America.

In a conversation with the mayor of Welch last week, he implied that the repercussions of COVID create short-term problems, but the anti-fossil fuel agenda from the left is a long-term threat for communities like Welch and would completely destroy the economy of the city of Welch and the entire region.

So, Mr. Chairman, tying air pollution to COVID-19? Really? Seriously? It is a simplistic answer to a complicated question. Once again, you are taking advantage of a public health crisis to justify your party's agenda against fossil fuels.

We shouldn't jump to conclusions. Some have advocated that preexisting conditions such as hypertension and diabetes are linked to COVID-19, but a recent study from Oxford University has concluded otherwise.

We have already been studying this issue for 5 months. I agree that this is a complicated situation, but we need more data. For example, Welch, in McDowell County, with all its problems, has only experienced six cases of COVID and no, zero, no deaths.

In the meantime, in the middle of villainizing fossil fuels, why aren't we researching and developing technologies to capture carbon emissions and provide a lifeline to distressed communities like Welch, Gillette, Harlan, and Petersburg?

Now, those communities are all hearing the same stories that you and I are hearing, that Biden has already said fossil fuels will have no part in his administration. Therefore, are frontline communities like Welch expendable? Are the people of Welch among the 10 to 15 percent of Americans that Biden thinks are not very good people? Are they the deplorables?

Our frontline communities like Welch with a heavy minority population should not be collateral damage to your war on fossil fuels. We have a moral obligation to not write them off, but to help them.

Mr. Hawkins, if I could to you, a question. Some will call fossil fuels pollution, but in West Virginia we call them jobs. You helped author the legislation for opportunity zones to benefit frontline communities like Welch, but for whatever reason it

is not included in an opportunity zone in West Virginia.

So my question to you is primarily, how can we modify the opportunity zones, they are locked in for 10 years, how can we modify those opportunity zones so that towns like Welch can benefit and prosper and diversify their economy?

Mr. Hawkins. What we would love is for Congress to first pass a transparency and reporting bill because the initial legislation had provisions that would allow us to record the types of businesses, the amount of jobs created, and the locations of those jobs. That reporting will give us the data that we need to say, look, opportunity zones are working, there are certain people we want to serve, and now it is time to expand them.

Because we would love to give the Governor of West Virginia the ability to designate an additional 10 percent of zones, let's say, so going from 25 percent designations to 35 percent. You know, in my State of Ohio that would be an additional 120 zones that could be designated.

And so if we can allow -- if we can get the data once, first of all, to see if the policy is working and then use that to enable legislation to expand the policy and allow additional zones to be designated, then we can pull those areas of West Virginia in that could benefit from the policy and that could benefit from the jobs that will be created.

Mr. McKinley. Thank you.

And, Mr. Chairman, I yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognized Representative McEachin for 5 minutes, please.

And unmute, please.

Mr. McEachin. Thank you, Mr. Chairman.

As our Nation continues to navigate the crisis caused by, in some cases

exacerbated by COVID-19, I cannot think of a more important time to be working together to ensure that environmental justice communities are centered in our work.

I want to thank our witnesses for their time and their expertise. I have had occasion to work with both of them over the past few years, and I am deeply gratified by their leadership and their commitment to equity and justice.

The COVID-19 pandemic is harming communities of color disproportionately. The burden of pollution in these communities is a big part of the reason. The pandemic is another burden accumulating on top of pollution in our air, lead in our water, and carcinogens in our soil. Many of our environmental laws call for the protection of vulnerable or high-risk populations, but no one can look at the disproportionate burden of disease in our country, including COVID-19, and say that we are protecting those communities.

Now, this is a little bit off of what I intend to ask in the first instance, but given the previous member's remarks, Ms. Patterson, do you care to comment on the assertions made by Mr. McKinley about Welch and their view of the leftist war on fossil fuels?

Ms. Patterson. Thank you. I appreciate that.

I would more frame that as the frontline communities' quest for health and survival. And we have seen just how -- we put out a report called "Fumes Across the Fence-Line" that talked about the extreme negative impacts of the oil and gas industry and refineries on our communities. We put out our "Coal Blooded" report where we talked about how the Department of Labor's own statistics, talks about the 76,000 coal miners who have died of black lung disease since 1968 as they toil to create energy for our Nation.

So for us, we don't frame it as anything but we are looking out for the health and well-being of our communities and our planet. And for us, we put together this group

called the Black Labor Initiative on Just Transition which includes groups like the United Mine Workers of America, the U.S. Steel Workers, and so forth, so that we could all come together and say, given the necessity of this transition away from fossil fuels that are harming communities and the planet, how can we do this in a way where your livelihoods are maintained and where you are not in the fossil fuel industry but in an industry that really maintains your pensions, your healthcare, and the income that you need to move forward.

So that is the kind of conversation that we would like to be having so that we can -- so we have all. We have energy. We have the income and livelihoods people need. And we have health and well-being for communities. And we have the survival of the plant.

Thank you.

Mr. McEachin. Thank you, Ms. Patterson.

Let me just follow up again with one more question. Are you essentially saying that clean air and clean water and a greening of our economy actually equals good paying jobs?

Ms. Patterson. That is exactly what I am saying. We know from past statistics that the solar industry is in the top ten growing industries in our country. Wind turbine technicians are the number one fastest growing profession in our country.

And we also know we have seen where economic well-being can flourish in the new energy economy and we can actually have a concentration of wealth building and ownership at the community level so that all can thrive as opposed to a wealthy few.

Mr. McEachin. Thank you.

Mr. Ali, I just have a minute left and I apologize to you for that. But can you help us understand how we can assure that communities of color are actually at the table

when we are dealing with standards being set and permits being issued?

Mr. Ali. Yeah. I mean, there are a number of opportunities, whether it is in our public comment periods and making sure those are open and transparent and that they are handled in a way that is actually inviting of people's participation and the knowledge that they bring.

We can also make sure that both on the Federal level and on the State level that we are really, truly engaging in an authentic and transparent way with folks as we are framing out really what will either be a positive or negative in their lives. We have a number of opportunities to really engage with frontline communities to make real change happen.

Mr. McEachin. Thank you. I appreciate it, my friend.

Mr. Chairman, I yield back.

Mr. Tonko. Thank you.

The gentleman yields back.

The chair now recognizes Representative Johnson for 5 minutes of questioning.

Please unmute.

Mr. Johnson. Well, thank you, Mr. Chairman.

And before I get into my questions, let me give another warm welcome to my fellow Buckeye, Shay Hawkins from Cleveland.

Shay, we appreciate you being here today and offering your very important perspective on these issues.

Mr. Hawkins. Thank you.

Mr. Johnson. You are most welcome.

You know, bringing new investment to economically distressed communities is key to improving the quality of life for local residents and weathering disruptions like we have

seen with the shuttering of much of our economy as a result of the COVID-19 pandemic.

In my district in eastern and southeastern Ohio we have been blessed with an oil and gas boom which has provided a variety of good-paying jobs for thousands of blue-collar workers. The American energy renaissance has benefited millions of families across the country and across all socioeconomic levels. In fact, according to the American Petroleum Institute, by the year 2030, over 32 percent of the oil and gas workforce across the country, over 400,000 workers, will be from members of minority communities.

But today I want to focus on another promising development, helping underserved communities, and Mr. Hawkins is an expert on this. You have already heard him speak on it a little bit. And I am talking about returning to opportunity zones which I was pleased to support as part of the Tax Cuts and Jobs Act.

While utilizing opportunity zones can be an effective way to address financial and social challenges in urban areas like Cleveland, they can also improve economic conditions in historically distressed rural areas, like Appalachia where I live.

Mr. Hawkins, I understand there was over \$10 billion raised into opportunity funds as of March 2020. What role do you see opportunity zones playing in the economic recovery from the COVID-19 lockdown?

Mr. Hawkins. I think they are going to play a critical role, an absolutely critical role. And the reason is because these communities, whether they be urban opportunity zones or whether they be rural opportunity zones, these areas are always the first to get hit when we go into a recession, and they are hit the hardest, and they are always the last to recover.

And so the difference between past recessions and the economic disruption that we are seeing from COVID-19 is that in previous recessions we did not have opportunity

zones. Opportunity zones aren't a panacea, but they are a very sharp tool in the community development toolbox.

Mr. Johnson. Well, I am glad you said that. Let me change the direction for just a second because we have got 18 opportunity zones in my district alone in Ohio. So how large do you expect the investment potential to be in these opportunity zones? Because we need them where I live.

Mr. Hawkins. Yeah, absolutely. Like I said, we have got \$10.8 billion, I believe, raised as of April 30, and Secretary Mnuchin estimates that \$100 billion will come into these zones over the next 10 years.

And so we are excited. The rural zones provide great opportunities for things like rural broadband, things like clean technology, and that is what we have been seeing. And we have been seeing it in areas that are as rural as northern Alaska. So we are very excited to see what develops.

Mr. Johnson. Okay. As we have seen the implementation of the opportunity zones, are there any outstanding regulations that are needed in connection with opportunity zones to make them work more effectively?

Mr. Hawkins. Yes. Absolutely. The initial Investing in Opportunity Act included reporting and transparency provisions. So because of parliamentary reasons we had to strip those out. We passed it in the Tax Cuts and Jobs Act.

But there is a bill right now on the Senate side that Senator Scott and Senator Sinema, along with Chairman Grassley, introduced to add those reporting and transparency requirements back. And so we would love to introduce a version of that on the House side and to have you guys get it passed.

Mr. Johnson. All right. Well, thank you.

I had some other questions, but I will submit those for the record.



Mr. Chairman, I yield back.

Thanks, Mr. Hawkins.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Representative Blunt Rochester for 5 minutes for questions.

And, Representative, unmute, please.

Ms. Blunt Rochester. Thank you, Mr. Chairman.

And to our witnesses, thank you so much for your time.

As we are having this hearing, George Floyd is being laid to rest in his final ceremony. And I think it is only fitting that as we talk about COVID-19, a disease that is a respiratory one, and to link it to all of the different issues that we have talked about here, just even the ability to be able to breathe is something that is heavy on my heart.

And I have prepared remarks. I am a little bit off script here as well because I am the kind of person, as many of you know, I like to celebrate our successes. But I feel that at this moment part of what each of us individually and collectively have to do is hold up a mirror to ourselves and say, what can we do differently?

And I appreciate this hearing because I think it is shining a light, just like COVID-19 has magnified the inequities that we already knew existed in our society.

And so as we move forward -- I appreciated Mr. Walden's comments as well -- I hope that we will hold up an individual mirror, as well as a collective mirror, and maybe put aside some of even the phrases and terms that we use to politicize things, because what we are experiencing right now is something different.

And like I said, I had remarks here that really just talk about the fact that racism and injustice are built into the foundation, as Mr. Ali said. And it is not just about the foundation crumbling and the house being destroyed. It is about the fact that

sometimes you can have a shaky foundation and the house stays the same but you continue to do repairs and upkeep and it becomes a money pit.

And until we start dealing with root issues, until we start really having courageous conversations with each other, we will continue to have a money pit where we are just dumping money into programs. It is not that these individual programs aren't great, but it has to be systemic and we have to see outcomes. We have to see real outcomes.

So those communities that we call vulnerable, those communities that we call distressed, I call them superhuman that people are even still existing when they are placed next to toxic sites and when they don't have food and healthcare and transportation.

And so I am proud to be a member of this committee because we have the ability to do incredible things, and I am looking forward to that.

I have got questions here and I am going to try to go very quickly, but I want to hold a mirror to myself and all of us to commit, separate and apart from these hearings, that we are going to work together to change outcomes that we are seeing.

To George Floyd and his family, my prayers.

Studies show that there is a disproportionate and cumulative impact that pollution has had on communities of color and, as Mr. Ali calls, low wealth and rural communities as well, and we have seen the staggering mortality rates from COVID-19 on those communities.

And in the one minute I have left, Mr. Ali, if you could talk a little bit about how more data and better data would be helpful. We know that there are monitoring systems that have either not been updated or are not working. We have written to Administrator Wheeler, and I thank those who signed on to that letter. But if you could talk a little bit about the use of data that would help fence-line communities particularly.

Mr. Ali. Yes. Thank you, Representative.

I mean, that is one of the critical elements that we need. When I first started working on these issues, I remember walking down the hallways of the EPA and there were two folks who were in front of me, and they said, "I don't know why we are going to this meeting on environmental equities because what these people are sharing can't possibly be true."

So if you are just dealing with the narratives, the stories that are incredibly important from frontline communities, without being able to lock that down with the data, then people can make those types of statements. That was over 25 years ago.

Today we have to make sure that the monitors are in the right locations, that the information that is coming out of that is accessible both to regulators, to policymakers, but also to frontline communities.

We also have to, as we shared earlier, we need to make sure that we are also getting the data that needs to exist in relationship to COVID-19, that is closely aligned with these hot spots that we find across the country.

When we don't do that, then it is easy for folks to say, "Well, that sounds like a story that you are telling," instead of something that is rooted in facts. As the Agency has kind of moved away from capturing the relevant data, we have to move back in that direction so that we can anchor everything in facts.

Ms. Blunt Rochester. Thank you.

And, Ms. Patterson, I have a question for you that we will ask afterwards.

And we would like to submit that letter to Administrator Wheeler for the record.

And, again, to my colleagues, together, let's do this together.

I yield back.

Mr. Tonko. Good message, Congresswoman.

And the gentlelady yields back.

The chair now recognizes Representative Flores for 5 minutes for questions, please.

And please unmute.

Mr. Flores. Thank you, Mr. Chairman.

And I appreciate the witnesses for joining us today.

I would encourage us to reassess having these online hearings. I think that Congress is an essential service and that the American people would be better served by us doing this in person.

Mr. Hawkins, I have a couple of questions for you. I would like to expand the opportunity zone discussion and talk a little bit about rural communities. We have all heard today that stronger economic employment opportunities can lead to numerous other benefits, such as environmental protections, healthcare, education, emergency services, greater tax base, and on and on.

Opportunity zones were created by the 2017 Tax Cuts and Jobs Act, and the predecessor of that was the work that you and Senator Scott had done. They were done to stimulate economic development and job creation by incentivizing long-term investments in low-income, often overlooked neighborhoods and communities.

These zones also overlap often with what we call -- with what some call environmental justice communities. Today there are more than 8,760 of these designated Qualified Opportunity Zones that are located in the 50 States, the District of Columbia, and the five United States territories.

So question one is this. Can you tell me roughly how many or what percentage of these opportunity zones are in rural areas? And can you also provide a few examples of successful active projects that are underway today?

Mr. Hawkins. Sure. So about 23 percent of the zones that were designated would fall into the category of rural areas. And then the remainder are in urban areas or what we call suburban areas, suburban areas being about 10 percent and then the remainder being in urban areas. And so there is a significant potential impact there.

When we look at concrete examples of some of the things that we have seen in urban areas -- I mean, in rural areas -- we can look to rural broadband. And I can look to one of my members who has been operating to expand rural broadband in rural Alaska.

And so as you can imagine, because of the terrain in Alaska, it is very difficult to get fiber penetrated into the interior of the State. But opportunity zones has lowered the cost of capital to the point where it has made it feasible.

So one of our members, along with their existing investors, along with an opportunity fund that focuses on broadband, and along with additional support from one of the Tribal corporations, has been expanding rural broadband in Alaska and laying that fiber. And so if you can lay the fiber up there and expand rural broadband in Alaska, then you can expand it anywhere.

Mr. Flores. Okay. Well, thank you.

I am glad you brought up rural broadband. Are there any other specific obstacles to broadband internet access that aren't being addressed today by statute or by the opportunity zone legislation that we passed earlier?

Mr. Hawkins. Well, one of the things we have seen, again with that White House Revitalization and Opportunity Council, some of those resources that have been bent to favor opportunity zones have included a \$26 billion fund to support rural broadband at the FCC. And so we have seen that.

And then we have also seen some sort of interesting legislation out there to possibly create a gigabit opportunity zone that are focused on building out rural

broadband infrastructure along the same concept of traditional opportunity zones.

Mr. Flores. Okay. And then, lastly, back to rural opportunity zones writ large, are there any other particular obstacles to robust investment in those rural zones? And, if so, what are they?

Mr. Hawkins. So we haven't identified any particular obstacles. One thing from a regulatory standpoint, the regulations from Treasury that would govern operating businesses took longer to come out than those that would cover real estate. So operating businesses are what you are going to see developing in the rural areas. So we had those final regulations completed as of December 2019.

Mr. Flores. Okay.

Mr. Hawkins. Now that those regulations are out, that was the primary obstacle that we saw to operating business development in rural areas. So we are just looking forward to seeing the money flow.

Mr. Flores. Okay. Thank you, Mr. Hawkins.

I yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Representative Soto for 5 minutes of questioning.

And, Representative Soto, please unmute.

Mr. Soto. I thank you, Mr. Chairman.

Climate change, polluted air and water, social injustice, and COVID-19, they are all interrelated.

As COVID-19 swept across our Nation, President Trump hid the truth from the American people. He politicized the issue and, worst of all, he did nothing for weeks, from January through February and early March, as the coronavirus swept across our Nation.

President Trump's failed COVID-19 response has greatly contributed to the death of over 113,000 Americans; over 2 million Americans contracting the virus as well. President Trump's failed COVID-19 response also left 40 million Americans seeking unemployment and the worst economic recession since the Great Depression.

Now add his dismal failure to protect clean air and water and he has created the perfect disaster for the American people. This especially affects frontline communities of color and low-income communities.

And as my home State of Florida faces another dangerous hurricane season, rising seas, even a Miami seawall of 13 feet high, we know that we have to do something.

In central Florida, in my home area of Florida's Ninth Congressional District, we see in the Hispanic community, in our community, higher cases because we have many essential workers in Osceola County, which is why we need to pass the HEROES Act to help provide hazard pay for these essential workers.

The African American communities in Polk County in our district, we saw higher levels of deaths in addition to a higher level of cases among Hispanics. And also we saw similar trends in poor rural Anglo communities in the district.

My question to Ms. Patterson and Mr. Ali, some folks want us to study more, to delay more before enacting environmental justice reforms. Do we have enough data on the effect of air pollution on COVID-19 to move forward with certain environmental justice reforms already? If so, what would they be? To both Mr. Ali and Ms. Patterson.

Ms. Patterson. I will let Mr. Ali go first. Thank you.

Mr. Ali. We have more than enough data. So let me give just a quick historical point for folks who may not know.

In 1992, John Lewis, an esteemed Member with your family there, actually

introduced the first piece of environmental justice legislation, reintroduced it in 1993, and I believe tried also in 1994. And at that time he was trying to put a spotlight on the hot spots that exist around the country so that we could then make the investments that were necessary and also make sure that not only the investments, that we also had the legislation that would help to make sure that that didn't happen in the future.

So now we are 28 years later and during that time there have been a number of institutions that have done all kinds of critical research, both public health organizations, environmental organizations, and a number of others, that have pinpointed the fact of the impacts that are happening from this pollution and the disproportionate impact on communities of color, lower-wealth communities, and on indigenous lands.

So it is not a matter of being able to have to prove any of this anymore. The question is, are we willing to prioritize these communities to address both the past impacts and also, as many of you have been sharing, think critically about how do we help these communities also be able to rebuild?

I appreciate the conversation that is going on about the opportunity zones. I have my own set of questions that I am always curious about, about are they uplifting people, are they causing gentrification, a number of other things. And if those can be answered, then that is fantastic. But we should also be focused on the fact that frontline communities have been doing their own revitalizing of vulnerable communities.

I hope this committee, when the time is right, that we actually go out and visit firsthand these communities to see how they have actually been able to transform their communities to be able to create jobs, to be able to create healthy housing, to be able to create new transportation.

Mr. Soto. Mr. Ali, my time is limited. So I want to turn to Ms. Patterson.

Do you believe boosting fossil fuel production in communities of color and



low-income communities is in the long-term best interest of those communities?

Ms. Patterson. Did you say boosting?

Mr. Soto. Boosting fossil fuel [Inaudible], is that in the best interest of low-income communities and communities of color communities?

Ms. Patterson. Yes. Thank you. Sorry. Just didn't catch that one word.

No, I do not. Studies, experiences have all shown how in communities that are exposed to fossil fuel, pollution from coal to oil and gas and so forth, have shown the myriad public health challenges that those communities face. So it definitely isn't in their long-term interest.

As well as when we turn on the other side and see the connection between fossil fuel emissions and climate change, that we know that the climate change disproportionately impacts those communities, from the sea level rise you talked about and the displacement that they face to the disaster impacts that we saw in Hurricane Katrina and beyond, to the shifts in agricultural yields when these communities are already food insecure and suffer the many health challenges as a result.

So in every way the -- and not to mention the actual harms to the workers in those industries with 76,000 coal miners and counting dying of black lung disease since 1968. And we know the many accidents and fatalities that have happened that are tied to the fossil fuel industry.

So, no, in no way is it in the best interest of communities of color and frontline community. Thank you for asking.

Mr. Soto. Thank you.

I yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Representative Mullin for five minutes for questions.

And, Representative, unmute, please.

Mr. Mullin. Thank you, Chairman. Thank you for this opportunity.

You know, I have got to address something real quick. And I want to talk to Mr. Hawkins about opportunity zones.

But the idea of these meetings is to make sure we try to leave politics out of it as much as possible. I mean, if we are really going to have a hearing that is going to be able to move the ball forward and try to advance opportunities for all of our constituents, then we drag in politics like our colleague from Florida just did, it is absolutely absurd. For blaming the President for everything?

If I am not mistaken, it was not too long ago that I believe our colleague from Florida was trying to limit innovation in pharmaceuticals. That was before COVID obviously. And now we are going to walk down this path, and you are going to blame him for everything?

Guys, as a committee we are better than this. Our committee has had a long history of trying to do bipartisanship, and there is no way we can have bipartisanship if we continue to blame everybody for it.

It doesn't make any difference. We are in a pandemic. Let's figure out a way to move the ball forward. I don't think any of us are intentionally trying to hurt anybody. But we all have unique challenges in our district and my district is no different.

I mean, one thing that has been exposed in my district is broadband. I have a very rural district. In fact, just recently the only reason why I am able to even be on this hearing is because I got internet at my house. Until just recently that didn't exist. When I say I live in the middle of nowhere, I truly do. And when we start talking about opportunity zones, we need to pay attention to that.

Mr. Hawkins, that is what I was wanting to talk to you about a little bit. I know

you have had experience working inside Indian Country to some degree, but all my district is Indian Country. I am in Oklahoma.

Mr. Hawkins. Yes.

Mr. Mullin. So when we start looking at opportunity zones in particular, how can broadband be part of that conversation?

Mr. Hawkins. Yeah, absolutely. And this goes to the flexibility that is built into the policy itself.

So the way the policy works is every dollar doesn't necessarily have to be derived from within the opportunity zone in order for the company in the opportunity zone to derive the tax benefit.

So this is just to say that, as long as the nucleus of the operation, the employees, the leaders of the company, the management team, et cetera, as long as they are located in the zone and the jobs are created in the zone, the actual infrastructure can spread out outside the zone, because it is natural, it is expected that the revenues are going to come from outside of the distressed area.

This is to say that it is particularly set up to lay fiber over a broad geography and still be able to benefit from that lower cost of capital.

RPTR MARTIN

EDTR ROSEN

[2:02 p.m.]

Mr. Hawkins. Yes.

Mr. Mullin. So when we start looking at opportunity zones, in particular how can broadband be part of that conversation?

Mr. Hawkins. Yeah, absolutely. And this goes to the flexibility that is built into the policy itself. So the way the policy works is every dollar doesn't necessarily have to be derived from within the opportunity zone in order for the company in the opportunity zone to derive the tax benefit. So this is just to say that as long as the nucleus of the operation, you know, the employees, the leaders of the company, you know, the management team, et cetera, as long as they are located in the zone and the jobs are created in the zone, the actual infrastructure can spread out outside the zone, because it is natural -- it is expected that the records are going to come from outside of the distressed area.

Mr. Mullin. An opportunity --

Mr. Hawkins. And it is particularly set up to lay fiber over a broad geography, and still be able to benefit from that lower cost of capital.

Mr. Mullin. And opportunity zones, we talked about jobs, too, because with technology also comes job opportunities.

Mr. Hawkins. Yes.

Mr. Mullin. In rural parts of the areas, which is why opportunity zones existed, it was helped to spur along those jobs. Being in rural America, you know, for a lot of young people, the only opportunity for them to have a really good-paying job is to move,

and we don't want that to happen.

Mr. Hawkins. Right.

Mr. Mullin. I want my kids to live out on the ranch. I want my kids to live around us. I have got six of them, so one of these days, I am going to have a handful of grandkids, too.

Mr. Hawkins. It is. We all want that.

Mr. Mullin. Yeah, absolutely. And we want to keep that family unit close, but opportunity zones can -- and I am assuming your opinion, can help create those jobs that are good, sustainable, long-paying jobs, right?

Mr. Hawkins. Absolutely. They not only create jobs for the companies that come; but, again, as you look at things like rural broadband being built out, that provides the technological connection with the rest of the world that allow people to remain to stay put and still do what they need to do. It also helps in terms of things like telehealth, so telehealth is something that is compromised if you don't have a robust broadband infrastructure, and opportunity zones can be a key part of building that infrastructure out.

Mr. Mullin. Thank you.

And with that, I will yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Representative DeGette for 5 minutes, and --

Ms. DeGette. Thank you.

Mr. Tonko. And you did unmute? Okay, great.

Ms. DeGette. Thank you much, Mr. Chairman.

Some of you on this subcommittee have heard me talk about the Suncor Refinery, which is adjacent to the Denver communities of Globeville and Elyria-Swansea, which

have a longstanding pattern of air quality violations, and, frankly, putting the surrounding community at health risk. And just for an example: In a 6-month period last year, the company violated key emission limits nearly 3,000 times, sometimes for more than a week in a row. Now, significantly, Swansea-Elyria and Globeville have a predominantly Latino population, where even before the COVID crisis, some of my colleagues, Representative Barragan, were talking about issues like this. A third of the residents lived below poverty level, and they also have food insecurity.

So, I don't think anybody will be surprised, given the testimony we heard today, that these communities have also been one of the areas hardest hit by the coronavirus.

Ms. Patterson, I want to ask you: Could you elaborate about how social and environmental injustices are compounded by COVID-19 in environmental justice communities like Swansea-Elyria?

Ms. Patterson. Certainly. Thank you so much for the question.

Yeah, so, unfortunately, when we have a situation where communities are already facing food insecurity, and, therefore -- that contributes to these poor health conditions that they are already facing, the level of function that we talked about that leads to poor health conditions, as well as ties to other challenges around, whether it is being out of school, long poor air quality days, or kids being in school and having a hard time paying attention because of the pollutants that they are exposed to, and then you add a pandemic on top of it all.

So it is just the cumulative and compounded social, educational, and health factors, not to mention even the economic -- certainly we see how the COVID-19 has affected the economy in general, but even before that, when people were -- when kids are out of school and people have to stay home with their kids, then their financial wellbeing suffers --

Ms. DeGette. That is fine. I hate to stop you, but I have a couple more questions, and it does [Inaudible] to posit, which is why we see the infection rates and the death rates higher in communities of color and in at-risk communities. And also, Ms. Blunt Rochester talked about the air quality monitoring stations being down, and in some places, the Trump administration is not even enforcing the laws. So many of us have been trying to raise maximum fines for air quality violations, like with Suncor, and we have also been trying to require robust community level air toxins.

Now, Mr. Ali, something that I think you could tell us about is how important enforcement of these environmental laws would be towards protecting health in these communities.

Mr. Ali. Yeah. You know, enforcement is really interesting, you know, especially the time we are in. You know, we pump huge amounts of money into enforcement and policing of black and brown communities; but when it comes to enforcing those same industries that are there, for some reason, we want to push back against that, and I have never been real clear why we do that, but -- well, I do have some ideas.

Ms. DeGette. Yes.

Mr. Ali. So --

Ms. DeGette. Oh, go ahead.

Mr. Ali. No, I was going to say, we know there has been less enforcement actions happening over the last few years. We also know there are less inspectors going out, and that creates a very dangerous scenario, especially for our most vulnerable communities.

So I believe in human nature and the goodness that exists there, and I hope that most businesses and industries will do the right thing. But we know through history that

there have been some who have not, who have been significant noncompliers, and we have to make sure that there is a cop on the job, if you want to label it that way, to make sure people are doing the right thing.

Ms. DeGette. Thank you.

And you know, Mr. Hawkins, I want to say to you, I really appreciate your work over many years on issues like opportunities under brownfield. Way back in the base of times, I actually worked on a brownfields spill in Colorado, which led to thousands of sites being cleaned up. But here is the thing -- and I think you will agree with this -- without robust enforcement of the environmental laws, you are not going to clean up the air in these communities just with opportunity zones and brownfields. It can help, but you have to have enforcement of the laws; wouldn't you agree with that?

Mr. Hawkins. That sounds reasonable.

Ms. DeGette. Okay. Thank you.

Thank you so much, Mr. Chairman. Great hearing.

And I yield back.

Mr. Tonko. Okay. The gentlelady yields back. You are most welcome.

We now recognize Representative Carter for 5 minutes for questioning, and please unmute, Representative.

Mr. Carter. Okay. Thank you, Mr. Chairman, and I thank all of our speakers for being here. We appreciate your participation.

I want to start off by saying something about the EPA, because I think it has been somewhat misrepresented about their actions during the COVID-19 pandemic. The EPA has continued to enforce our Nation's environmental laws and work with the Federal, State, and the Tribal communities. So, you know, their temporary policy has responded to inquiries from the States, and many of them with stay-at-home orders trying to



regulate the community in those States, trying to protect its employees from the viruses. The policy lets the agency prioritize its resources to respond to acute risk and immense threats.

So, again, under the temporary policy, no one is excused from exceeding pollution limitations, and the only major change is that the EPA is not seeking penalties for noncompliance related to routine monitoring and reporting requirements. You know, over 40 States have adopted COVID-19-related enforcement discretion, including agencies in New York and New Jersey. That is all -- I say all of that to say that the EPA and the environmental regulations continue to be enforced, and the EPA's work continues. So I just want to set the record straight on that before we go any further.

Mr. Hawkins, I really do appreciate you being here, and I appreciate the work that you have done, particularly on these opportunity zones. You know, one of the things we have discovered during this pandemic is that we are too dependent on foreign countries, particularly China, for some of our pharmaceutical needs, our pharmaceutical manufacturing. And this is similar to what we experienced back in the late 1970s, when we realized that we were too dependent on the Middle East for our energy needs and we realized we needed to have energy independence, and we achieved that. We realize now that we need to have pharmaceutical independence. Too much of the active pharmaceutical ingredients are coming from other countries, particularly China.

One of the bills that I have introduced is legislation that will incentivize these companies to come back to America, and I am actually working with Senator Scott in utilizing these opportunity zones as a tax incentive for these companies to come back and invest in our communities like this.

Is this what you were -- is this what the intent of the opportunity zones were, to create jobs like this?

Mr. Hawkins. Yes, absolutely. And there is so much that is being done abroad that can be done, you know, in these distressed communities. Just a couple quick examples. One, Puerto Rico is obviously -- you know, we had bipartisan legislation just after the Tax Cuts and Jobs Act in the first spending bill after -- in February, bipartisan legislation that allowed Puerto Rico to designate 100 percent of their distressed census tracts as opportunity zones.

As you know, Puerto Rico is a major hub for pharmaceutical development, and so, we have one of our members there that is specifically starting us a pharmaceutical subsidiary in order to bring back drug manufacturing that is currently done in China to Puerto Rico. So that is one area.

We have another area -- another member, I am sorry, in South Carolina that is actually bringing machines from Taiwan to America that can build face masks. You know, you literally put an input in the front of the machine, it spits out on the other end a packaged face mask that can wholesale for \$2, retail for \$5, and that is something that can be utilized because right now, 85 percent of our face masks are made outside the country.

And, finally, we have got a member who creates small buildings out of shipping containers. They are in opportunity zones, and they build these buildings. They design them. They can do seven-story buildings or individual buildings. Right now they are building small scale aligned with -- small scale buildings where folks can do testing, and they are importing testing kits from South Korea. They are making them for \$14 a kit, where normally, it is \$40 a kit, and the kits are much more accurate than what we use right now. So this policy can bring a lot more manufacturing, distribution, and jobs back to the U.S.

Mr. Carter. Well, and thank you for that, Mr. Hawkins. And, you know, the

economic impact is obvious and very important; but it also has an environmental impact as well, and you touched on that a number of times during this meeting, and I appreciate that.

I am sorry I have run out of time, but I want to point out that not only does it have an economic impact, it can have an environmental impact as well.

Mr. Hawkins. Absolutely, absolutely.

Mr. Carter. Thank you, Mr. Chairman. And I yield back.

Mr. Tonko. You are most welcome. The gentleman yields back.

The chair now recognizes the representative from California, Representative Matsui, for 5 minutes.

And, Representative, unmute, please.

Ms. Matsui. Thank you very much, Mr. Chairman, and a huge thank you for all of the witnesses that are with us today, taking the time to share with us some of the stories that are happening on the ground in communities that are often overlooked, despite the disproportionate burden they have to share.

The pain experienced by black and brown low-income communities has come to the forefront of the national attention in the recent weeks. We know these communities have faced injustices for years with little cohesive action taken to right these wrongs. The hearing represents an important step in hearing stories, looking at the facts. And assessing what the most effective Federal solutions will be in ensuring a more just society for all.

So let's, first of all, get some facts straight. About a month ago, the Harvard School of Public Health released a study highlighting how frontline communities and those living in the areas of the country where the worst air pollution are facing disproportionate risk of health complications and death from COVID-19.

Mr. Ali, is it true that if you are non white, you are more likely to live in an area with higher air pollution?

Mr. Ali. Yes.

Ms. Matsui. Okay. Is it true that some studies have demonstrated that there is a link between living in areas with higher air pollution specifically, and fine particulate matter and a mortality rate of COVID-19?

Mr. Ali. Yes.

Ms. Matsui. Now, is it also true that a recent study determined that air pollution particles had active vectors for the coronavirus in the air?

Mr. Ali. Yes.

Ms. Matsui. Okay. Now, in spite of the significant findings of many of these studies, EPA is charging forward with a number of harmful deregulatory actions, including the Clean Air, Clean Cars rollback, and Administrator Wheeler's refusal to update the standard for regulating particulate matter pollution.

Mr. Ali, how many lives are lost each year as a result of air pollution?

Mr. Ali. A minimum of 100,000.

Ms. Matsui. Do you know what percentage of these deaths occur in communities of color or low-income communities?

Mr. Ali. I know they are disproportionately impacting. We need additional resources to know the exact number.

Ms. Matsui. Do you think the standards ought to be set higher?

Mr. Ali. Most definitely, and communities have asked us to do that.

Ms. Matsui. Okay. Can you speak to the number of lives saved if we were to strengthen rather than maintain particulate matter standards?

Mr. Ali. Tens of thousands of lives would be saved.

Ms. Matsui. Okay. Mr. Ali, you worked at the Environmental Protection Agency for 24 years, Specifically focusing on environmental justice. How can we strengthen EPA's Office of Environmental Justice to have the tools, authority, and funding it needs to better accomplish its mission?

Mr. Ali. We can elevate it to a national program office, just as we have the office of air and the office of water. Many of you talked about brownfields and Superfunds. We can make sure that office is at that level. We can make sure that it has the staffing and expertise that is necessary. We can also make sure that we are honoring the interagency working group that runs through that office so that we can leverage the resources and expertise that exists in all of the other Federal agencies also, so that we can achieve the goals that many folks on the call today have said that they would like to see.

Ms. Matsui. Okay. Thank you.

Ms. Patterson, you wrote in your article, "Climate Change and Civil Rights Issues," that the black community tends to have a greater dependence on public transportation, that black individuals are more likely to live in inner cities, and are disproportionately affected in rises in home energy costs.

I would imagine all of these factors play a role in how COVID-19 is impacting the black community. Is that true? And if yes, how so?

Ms. Patterson. Yes, that is absolutely true. Just in the early days of COVID-19, as they were restricting bus routes, I was driving on an essential trip to the grocery store, and noticed a bus going by that was chock-full of people in Washington, D.C., all African American, none with masks on. And I wondered, you know, about these essential workers whose work was being deemed essential that put them on that bus, but whose lives weren't deemed essential in terms of actually putting in the precautions that would protect them from the transmission of COVID-19 in that context, absolutely.

Ms. Matsui. I am hearing more and more stories about polluting facilities moving into or near communities of color or low-income neighborhoods with little fear of opposition or retaliation for the negative impact they have on the people who live there. What would you say are some of the top factors preventing communities from being able to stop polluting facilities from moving into the neighborhoods?

Ms. Patterson. Thank you.

Definitely the inequities, in terms of access democracy, in terms -- that we see a lot of in the way of decisions being swayed by the financial ways that folks are contributing either to campaigns, or otherwise. And so, we see what decision-making happens in ways that are unfortunate. We also see where there aren't enough public engagement processes where people are actually part of decision-making. So things happen to our communities disproportionately versus us actually having control.

One example, I saw it on the BP oil drilling disaster, was when the waste from the -- the toxic waste that included chemicals that were banned in 90 countries, Corexit, the one community that would be able to fight back from having that toxic waste come to their community was the one community that was predominantly a white American community, and all of the other communities that were hosts to that toxic waste were ones that were -- had a higher than the population of communities of color.

Ms. Matsui. Thank you very much for your testimony.

I yield back.

Ms. Patterson. Thank you.

Mr. Tonko. The gentlelady yields back.

The chair now recognizes Representative Duncan for 5 minutes for questions.

And unmute, please.

Mr. Duncan. Thank you, Mr. Chairman.

As I think about the last thing that we had on the frontline communities and the one that we are having today, I believe we need to be focused on creating the type of atmosphere that welcomes more income opportunities and brings investment into the communities that need it the most.

When President Trump took office, the national unemployment rate at the time was 4.7 percent. That employment rate among African Americans was 8.1 percent, and it was 5.8 percent among Hispanic Americans. In February of this year, prior to the COVID-19 pandemic shutdowns, the national unemployment was 3.5 percent. African American unemployment had dropped to 5.8 percent. Hispanic American unemployment was down to 4.4 percent.

We got there by opening opportunities to all Americans, focusing on innovation and maximizing synergies in both Federal, State, and local governments, as well as the private sector, in order to make progress in areas that previously had not been the focus of prosperity.

Unfortunately today, the national unemployment rate is 13.3 percent. African American and Hispanic unemployment has ballooned to 16.8 and 17.7 percent, respectively. We need to be focused on solutions and return to previously growing employment opportunity to people.

History shows that rising incomes increase standards of living, offer communities choices and possibilities and attract new opportunities. Part of this administration's policy that I agree with has been to modernize and clarify regulations and facilitate a more efficient, effective, and timely review process. This includes revising Federal regulations to reflect current technologies and agency practices, eliminate obsolete provisions, and improve the format and clarity of regulations.

Many of the environmental permitting laws have strayed from their intended

objective, and instead, appear to have been weaponized for political motives. Unending litigation now defines and delays the permitting process for many infrastructure and energy projects. Pandemics serve as the necessity of a reliable grid, and the ability to timely permit infrastructure is critical to maintaining that, the inability to move projects forward imposing national security risks on the U.S. Our country has become entirely dependent on other countries for supplies of rare minerals, which is central to the clean energy development.

So I want to address my comments to Shay Hawkins. Shay, my staff and I enjoyed working with you when you were at Senator Scott's office. I appreciate what you are doing with the opportunity zones, and my question is this: Low-income communities will be the last to recover from this economic instability. As the U.S. begins to reopen this year, we need to capitalize on opportunity zones as a tool to help the most economically distressed communities. In order to bring benefits to disadvantaged communities, how important is modernization of and certainty in Federal permitting requirements?

Mr. Hawkins. It is absolutely critical. You know, when you look at the issue with permitting, both at the Federal level, but then also, in the State and local level, you know, the key is not necessarily a matter of moving so quickly that somehow, something from a safety standpoint is put aside. Sometimes it is just a matter of having a quick "yes" or "no," so that the decision-makers can make adjustments to get, you know, the project done, to get the business built back out, you know, accordingly. So permitting and streamlining that process to a quick yes, no, or this is what is needed to move forward is critical.

Mr. Duncan. I mean, the folks who are doing infrastructure and economic development projects, they need timely decisions in order to create jobs and the



bureaucratic delay that we have seen. And everyone on this committee, regardless of what side of the aisle you are on, understands there are bureaucratic delays that have affected projects in your district. Whether that is economic development projects or whether that is water, rural infrastructure projects, it doesn't matter. Bureaucratic delays are hampering the process.

So a "yes" or "no" answer in a timely manner is so important. And, Shay, I appreciate you bringing that point.

Let me just go back to what Markwayne Mullin was saying about broadband. I think it is important that this committee and Congress address rural broadband. In my district during the pandemic, school children didn't have access to the internet, so our school districts were bringing WiFi buses into the communities to provide the WiFi. Parents could bring their kids to where the bus was parked, access WiFi in order for them to finish their studies for the school year. It is important for telemedicine, that we have seen the importance of telemedicine in the pandemic.

These are issues that this committee ought to focus on and ought to address. I want to thank the panelists for being here today, and I appreciate the hearing.

And with that, Mr. Chairman, I yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Representative McNerney for 5 minutes of questions.

And, Representative, unmute, please.

Mr. McNerney. Thank you, Mr. Chairman, and I thank the ranking member and the panelists, good discussion so far this morning.

The city of Stockton, California, which is the biggest city in my district, has one of the largest environmental justice communities in the State of California. Our community has historically borne disproportionate pollution burden as a result of

redlining and other discriminatory policies, such as illegal dumping and air pollution near schools. We know all too well the connection between environmental injustice and public health, and South Stockton has one of the highest rates of asthma in the United States as a result of breathing polluted air.

Ms. Patterson, throughout the global coronavirus pandemic, the EPA has continued to aggressively move forward with a number of rulemaking procedures, including ones that would jeopardize the public health and environmental health. That is why this past April, I co-wrote a letter that was signed by 77 of my colleagues urging the EPA to extend their public comment periods by at least 45 days after the end of the declared emergency. Doing so would ensure that all Americans have an opportunity to participate in the rulemaking process. That is the expectation of the law.

Do you see any way for the EPA to change course and engage our frontline communities on a fair and meaningful basis during the pandemic and beyond?

Ms. Patterson.

Ms. Patterson. I am so sorry, I forgot to unmute here.

Yes, I mean, certainly the EPA has -- historically, we have engaged extensively with them on their rulemaking hearings and comments, opportunities, and so forth, to ensure that there is access. And we have had success with making sure that they are -- that they happen in different places, and so that there is greater access. And I think that given the COVID-19 reality, one key step that the EPA will have to take is to engage with local -- with organizations that represent frontline communities to ensure that if there is Zoom calls, or if there is other ways to give input, that those conversations continue to really maximize input. And in some ways, the in-person meetings can actually be -- will be supplemented by the virtual meetings where people who aren't able to be mobile, or people who can't afford to go to these places can actually have other means for

participation.

Mr. McNerney. Thank you. These are positive recommendations. I appreciate it.

Also, as summer approaches, I am concerned about what will be the impacts of extreme heat, which disproportionately impacts environmental justice communities, along with the COVID-19 and the social distancing that it requires. Would you discuss the issues, as well as the need for expansive long-term solutions to addressing the impact of extreme heat on the vulnerable population?

Ms. Patterson. Yes, certainly. So coming from Chicago, where we all know, unfortunately, of the deadly heat wave that took place in 1995, I am all too well aware. And in doing the work now with organizations, like the Union of Concerned Scientists and many frontline communities around the urban heat island effect, we are making sure that community-led solutions around the urban heat island are being advanced, both in terms of research, policymaking, and implementation at the local level.

So, again, it really goes back to making sure that those doors are open in terms of dialogue, so that we have aggressive policymaking and aggressive funding and implementation of the measures to protect communities, everything from building retrofits that will provide better opportunities for -- or better infrastructure for families, to having cooling centers and making sure that, again, in this COVID reality, that we structure cooling centers in a way that allows for social distancing and more.

Thank you.

Mr. McNerney. Thank you.

When environmental justice communities traditionally exist in food deserts as well, which create food insecurity and can have damaging impacts on the human body and its ability to fight disease, can you speak to how these two issues, food insecurity and

lack of access to medical care, are impacting environmental justice communities?

Ms. Patterson. Absolutely, yes. Unfortunately, we have seen even with COVID-19 how the tie between both food insecurity, in terms of the differential vulnerability, because food insecurity definitely exacerbates conditions like diabetes, high blood pressure, heart conditions, and so forth, that, again, makes folks more vulnerable to COVID-19. And then also, on the other side, with COVID-19 affecting our economy, that people who were already food insecure, aren't able to access food in the way that they should.

So for us, we actually launched an initiative called Seeds of Resistance and Resilience to actually provide seeds to communities, as well as supplies for raised-bed gardens, and then also providing demos for recipes for folks so that we can really bridge that gap in both kind of food sovereignties so people aren't reliant on a grocery store that isn't actually there, so they can actually start to grow their own food and have a reliable, affordable source of consistent nutrition.

So, yes, thank you.

Mr. McNerney. All right. Thank you. My time is expired.

And I yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Representatives Ruiz for questions for 5 minutes.

And, Representative, please unmute.

Mr. Ruiz. Thank you, Mr. Chairman, and thank you to all of the witnesses for testifying.

I am looking forward to eventually also discussing my Environmental Justice Act, which addresses many of the issues brought up to date. It would account for the cumulative impact of pollution, provide capacity support for low-income communities,

and alleviate systemic barriers.

Today, we are discussing how environmental justice communities, their exposure to pollution increases underlying pulmonary illnesses and, therefore, increases their risk of dying from COVID-19. Consider the fact that COVID-19 is primarily a respiratory illness that severely impacts lung function, my constituents in EJ communities already face some of the highest rates of asthma, which is linked to the poor air quality from the chemical-laden dust blowing from the receding shores of the salt and sea, dust from underdeveloped neighborhoods from years of neglecting infrastructure development investments in these underserved communities, and toxic airborne hazards from companies, even without proper permits to function.

Consider that hand washing is key for prevention, yet some privately-owned, independent water systems contain toxic levels of arsenic in their water. COVID-19 is intensifying the threat of environmental injustices to public health.

A study from Harvard published in April of 2020 found that long-term exposure to air pollution is associated with higher COVID-19 mortality rates. And what did the EPA do? It announced a non-enforcement policy under all environmental laws during the COVID-19 pandemic for monitoring and recordkeeping requirements.

Mr. Ali, after working with the EPA for 24 years, you are keenly familiar with the risks environmental justice communities face. What do you think will be the impact of EPA's decision on environmental justice communities during the pandemic?

Mr. Ali. I think more people are going to get sick and more people are going to lose their lives.

Mr. Ruiz. Okay. And I agree with your assessment, which is why I worked with Representative McEachin to introduce H.R. 6692, the Environmental Justice COVID-19 Act, which was included in the HEROES Act and passed the House last month. This bill

would provide \$50 million for EPA environmental justice programs to monitor pollution, investigate the impact of COVID-19 on environmental justice communities.

The EPA's Environmental Justice Small Grant Program is a grant that local groups can apply for to mitigate instances of environmental injustices, and the EPA's CARE Grant Programs provide support to help communities form collaborative partnerships, many like the ones that were formed here in my district, develop comprehensive understandings of risks from toxic and environmental pollutants, set priorities, identify and carry out projects to reduce risks through collaborative action at the local level. And then, finally, the EJ Collaborative Problem-Solving Cooperative Agreement Program helps community-based organizations partner with the experts and local stakeholders to develop and implement solutions and address environmental and public health issues for underserved communities.

Mr. Ali, in your experience working with the EPA, have any of these EJ grant programs helped equip EJ communities to better advocate for themselves? And how important would these grants be for them in the context of COVID-19?

Mr. Ali. These grants are extremely important in relationship to COVID-19. We created a similar program during the BP oil spill, to specifically make sure that folks had the resources and information so that they could make the best decisions for themselves, and to also be fully a part of the work that was going on at that time.

We need to continue to fund these programs in this COVID-19 moment and beyond, so that communities can build infrastructure, so that they can build stronger foundations underneath of themselves.

And if I could, I would just also like to highlight, the programs that you mentioned have also been extremely important in actually transforming communities. So we have heard a lot about the opportunity zones that are doing some positive work, the

collaborative problem-solving model in the environmental justice small grants program was a part of the ReGenesis Project, which took a \$20,000 grant and has now leveraged into \$300 million in changes. So we often talk about investments. If we can invest \$20,000 in a community and get a return of \$300 million in changes, that seems like something we should be continuing to expand.

Mr. Ruiz. You know, many people try to define, what do you mean by systemic racial injustice. Can you talk about how the EJ community experience, especially with COVID-19, is a racial injustice, systemic injustice?

Mr. Ali. Well, without a doubt. It runs throughout almost all of the components.

On the medical side, we know that there are biases in the medical system where many times, if you are a person of color and you go to the doctor, you get, you know, some type of a lesser diagnosis, which then can have all sorts of problems that follow afterwards.

We also know, of course, on the environmental side, there is a racial component. We can't get away from that, but we can change it in the decision-making that has happened in the past, and where we have located our most toxic facilities. That is just the reality of the situation; but we can fix that problem.

And then we run down through many of the other items that we have talked about today that are directly tied to a history of systemic racism. If we look at our housing, housing has often been placed in the most dangerous locations, the lower locations in floodplains, so forth and so on. So we have seen this play out.

The message today is that we can change that, that each of the members who are here and who are in the esteemed bodies on Capitol Hill, we can decide that we want --

Mr. Ruiz. If we change it, we must change it so that no matter the ZIP Code, race

or age, everyone has access to clean water and clean air.

Yield back my time.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Representative Dingell for 5 minutes for questions.

And, Representative, unmute, please.

Mrs. Dingell. Thank you, Mr. Chairman, for holding this important hearing today, and to all of the witnesses for being here on this critical subject on disproportional impacts on frontline communities of color and low-income families.

In Michigan, we have been particularly hit hard. We are fourth in the number of deaths in the country. We have nearly 2 million unemployed and lives have been forever changed. And what is most troubling is that African Americans make up 40 percent of the COVID deaths in Michigan and they are only 14 percent of the population.

For too long, these communities have had to bear the brunt of the burden during the worst of times, and as people are bravely marching peacefully against injustice across this country, we have to renew our fight for greater environmental justice. Every bill that Congress considers now must take these issues into account.

But today, I want to focus my questions on access to clean drinking water. I thank Chairman Tonko for recognizing the issue at the very beginning of this, its affordability and why it is so important for environmental justice communities during a pandemic. But I worry about it when we are done, too, because I believe that water is a basic human right, because COVID didn't create a water crisis; it exacerbated the existing one.

Mr. Hawkins, I love you even though you are from Ohio State, or from Ohio, but, hey, I am going to -- hey, we have got to keep a little sports humor in all of this or we are done. I miss sports. But I want to address my questions to Mr. Ali and Ms. Patterson.



According to the CDC, one of the most effective ways to prevent the spread of COVID is just wash your hands for 20 seconds regularly with soap and water. Well, you can't do that if you don't have any running water. Access to clean water is a basic human right, and it is critical for hygiene and safety.

I would like to first start with you, Mr. Ali -- I am going to ask you to be short -- and then Ms. Patterson. Could both of you give this community an overview of how COVID-19 has impacted the access to clean water in environmental justice communities, and would you tell us or highlight what we can do as a Federal Government as far as things stand today for water shutoffs nationally, and what do we need to do to make sure it continues to flow?

Mr. Ali. Well, the first thing we need to do is to make sure that we are strengthening our infrastructure and making sure that in the strengthening of the infrastructure, that we are also making sure that our most vulnerable communities as in relationship to the pricing of water, we need to make sure that there is actually equity that is a part of that process. We also have to make sure that with the -- extend the moratorium on water shutoffs.

Now, there are, in Detroit and across the country, folks like Ms. Monica Patrick with We the People of Detroit and others have been working diligently to make sure that that is brought to the attention of the folks, both in the State House and the Federal House, so we have to do that.

We also have got to make sure we are making investments in our natural infrastructure, which helps to clean water and helps to take the burden off of many of the water filtration systems that are out there.

So those are just a couple of things, and I will turn it over to Ms. Patterson.

Mrs. Dingell. Ms. Patterson.

Ms. Patterson. Thank you so much.

Yes, so definitely echoing what Mr. Ali said and just to add that we also need to make sure that we are pushing back against water privatization, and so that we don't have water systems that are run for profit, that we make sure that we have water systems that are meant to serve people and uphold human rights.

We definitely have to increase our investments, as Mr. Ali said, in water infrastructure so that we don't -- because even now, one of the things that was exacerbated by COVID-19 is to the extent that there are some folks who don't trust their water, and they have to access through water bottles, and so forth. So having to do that when you don't even have a grocery store nearby and given the weight of water and so people are in harm's way just trying to get the water that they can drink because the water coming out of their pipes isn't safe.

So we need to make sure that we don't have -- especially as we know that, by all accounts, the COVID-19 is going to resurge. It is still going on now, and we are going to have a resurgence of it. So we need to have permanent solutions, and not just temporary moratoriums on water shutoffs, but no one should be deprived of the essential resource of water.

And so, definitely following in the footsteps, as Mr. Ali said, that the folks of We the People of Detroit to have a community government structure around water systems is something that we should definitely institute.

Thank you.

Mrs. Dingell. Sure. So I am out of time, but I would like to thank the committee leadership, because water is a basic human right, which is the bill that I introduced with my colleague, was included in the most recent bill passed by the House, the HEROES bill. And there are 15 million people in the United States that don't have

running water or have had a water shutoff. We all need to really think about that, 1 in 20 households in this country.

Thank you, Mr. Chairman.

Mr. Tonko. You are most welcome, and the gentlelady yields back.

I believe we next have Representative Burgess available for 5 minutes for questions.

Representative, unmute, please.

Mr. Burgess. Yes, sure. Thanks. Thanks for letting me waive on to the subcommittee. It has been a fascinating discussion during the day.

Mr. Hawkins, if I could ask you, in regards to opportunity zones, I was intrigued, I actually pulled the opportunity zone for the congressional district that I represent.

Mr. Hawkins. Yes.

Mr. Burgess. In my former life as a physician and my medical practice was actually located smack dab in the middle of an opportunity zone, and had I only known, perhaps I could have accessed some significant help. But that -- so what is the -- in your experience, with healthcare facilities in opportunity zones, what are some of the possibilities, what are some of the opportunities there?

Mr. Hawkins. Sure. And, so, just as a quick note, had you had your practice in an opportunity zone, you wouldn't have been able to draw the benefit just from existing there. You actually had to make a substantial improvement on your practice, which is to stay you would have had to invest the full cost basis of your business in improving that business in order to access the benefits.

So, you know, let's say that you have a business that is worth a half million dollars. In order to benefit from the policy, you have to invest an additional half a million dollars on new employees, a better facility, or other significant improvements in order to draw

on the policy. So that is one of the things.

So you can look at every existing healthcare business in an opportunity zone as benefiting. You can also look at building out rural broadband, building out urban broadband, so that telehealth is a broader option.

We can look at, again -- you know, when we are looking at one of our members, they are going to be distributing test kits, but then, also, building modular testing facilities so that folks can do the tests separate and apart from the broader hospital facility, but still within an accessible distance.

And so, all of those are things that we have seen built out, because in the healthcare space --

Mr. Burgess. Okay.

Mr. Hawkins. -- the communities that are designated as opportunity zones do suffer from worse health outcomes, but also worse health conditions than the population at large obviously.

Mr. Burgess. Just as a point, a data point, my medical practice in the late 1980s, when the savings and loans imploded across the country -- you are probably too young to remember that -- the Resolution Trust Corporation came to town. I attempted to get an SBA loan back then and was unsuccessful, but that is a different story for a different time.

Can you speak to the same issues in the energy sector? Are there places where the opportunity zones intersect with businesses that provide and distribute energy?

Mr. Hawkins. Sure. Well, as I note in my testimony, there is already sort of a jump that the designated opportunity zones has on clean energy with, you know, 475 solar facilities being built out, you know, so far. So anything that involves significant innovation, any energy space you are going to see, but beyond that, there is two elements for more traditional energy where we have seen a lot of growth.

One is folks who are providing services to existing energy companies. So, you know, again, we have members up in Alaska, and there is folks who provide, you know, for BP and others operating in the north of the country, there are folks that provide services for them, everything from uniforms, to lunches and food for the workers, and things along those lines. But then, for the larger energy companies, they can benefit from the policy and benefit by building out a subsidiary within an opportunity zone.

Mr. Burgess. Okay.

Mr. Hawkins. The idea is if you are going to be hiring folks, if you are going to be bringing new workers in and if you are going to be bringing more resources to these areas, then we don't mind if you are an existing company, you just drop a subsidiary down in a zone and you are good to go.

Mr. Burgess. All right. Thank you.

Mr. Ali, I apologize, I wanted to get to you and give you an opportunity to address the issue about enforcement that you started to earlier, and I don't guess we have the chance, but I would like to hear your thoughts on that before this concludes today.

I yield back.

Mr. Tonko. The gentleman yields back.

And we now recognize Representative Clarke for 5 minutes of questioning. And unmute, please, Representative.

Ms. Clarke. Thank you so much, Chairman Tonko and Ranking Member Shimkus, for holding this hearing today on environmental justice, and thank you to all three of our witnesses for joining and offering your testimony.

Let me just begin by saying that I think this is both an extremely important and extremely relevant hearing for us to be having in this particular moment in our Nation's history, as we grapple with the long legacy of systemic racism and injustice that continues

to permeate the many echelons of our society and its institutions.

The protests and public outcry during this past couple of weeks over the killing and abuse of black women and men at the hands of those sworn to protect and serve them, add to this the disparities that have been laid bare in recent months, regarding the impacts of the coronavirus, COVID-19 pandemic are, in my eyes, highly related events. They have served to bring those deep and pervasive injustices to the foreground of the national conversation. This intersectionality is undeniable.

I also believe that the COVID-19 pandemic, in particular, has shown us perhaps more clearly than ever that issues of environmental justice do not simply exist alone amongst themselves in a vacuum. To the contrary, environmental injustices have wide-ranging impacts that manifest themselves in all manner of social, economic, and health-related ways, and the times of great crisis tend to both amplify and be amplified by environmental injustices within most vulnerable communities.

My first question shows to begin my line of questioning, I would like to first focus on the issue of air pollution that continues to be a major source of environmental justice in my Brooklyn community. In fact, Brownsville, Brooklyn, one of the neighborhoods within my congressional district, actually has the highest rates of adult asthma out of any neighborhood in New York City.

We know from years upon years of research that reveals that black, Latinx, and Native American communities in this country suffer disproportionately from respiratory and cardiovascular conditions, including asthma, as a direct result of environmental factors, such as high levels of local air pollution.

We also know that COVID-19, which is predominantly a respiratory virus, adds impact to the black, Latinx, and Native American communities at rates that far exceed their share of the population.

So my first question is to Dr. Ali. Can you first please share with us your thoughts on the connection between air pollution, and the disparities that we have seen with COVID-19? And can you also tell us, from an environmental justice perspective, where you think our focus should be when it comes to addressing this major issue of air pollution in communities like Brooklyn?

Mr. Ali. Definitely. Thank you, Congresswoman.

You know, we all know now that the data is out there that there is a direct connection between the air pollution, PM2.5, PM10, and also ultrafine particulates in relationship to communities of color and lower wealth communities and on indigenous land. And we also know that there are chronic medical conditions that come from the exposure to this air pollution. We also know that as the temperature rises, that air pollution also becomes more deadly.

So knowing that we have these factors coming together, along with those chronic medical conditions that make us more susceptible to the coronavirus, would lead one to believe that we should be doing everything that we can to lessen the emissions that are happening inside of these communities of color, and that can be done by making sure that we are not only honoring the Clean Air Act and all of the respective parts that are there, but also that enforcement is actually happening inside of these communities to make sure that folks are living up to the letter of the law.

Ms. Clarke. Thank you so much for that.

I want to just turn quickly to the issue of housing. Here in Brooklyn, New York, we have had a lead paint scandal with thousands of adults and children living in public housing exposed to toxic levels of lead paint. After Superstorm Sandy, right here in New York, we saw that the worst impact took place among our low-income communities and communities of color, who did not have the resources to receive the assistance quickly to

rebuild or relocate their homes. Now, again, with the coronavirus pandemic, we see how important it is to have a home environment that is both safe and affordable.

Ms. Patterson, do you believe that having access to safe and affordable housing goes hand in hand with achieving environmental justice? And what do you think can be done on the Federal level to achieve greater environmental justice when it comes to housing in our nation?

Ms. Patterson. Thank you for the question. Housing justice is to environmental justice and the safety and well-being of our families, communities, individuals. And so, yes, we absolutely need the -- we need better subsidies for housing retrofits and improvements, not just in terms of energy efficiency, but also in terms of lead remediation and because we are seeing disproportionately, whether it is lead, asbestos, radon, all of these indoor air pollutants that are compounding the other toxins that are affecting homes.

We also need to be thinking about not just improving core housing, but we need to be thinking about land security and housing security as a whole, and thinking about how do we put more folks on the pathway towards home ownership. We know that black land loss is something that is historic and present day, and we also know that land ownership and housing ownership is key to climate resilience and economic security in general.

So we need to have much more in the way of programs that lead to a pathway of home ownership and housing security.

Thank you.

Ms. Clarke. I thank you all, and I yield back, Mr. Chairman.

Mr. Tonko. The gentlelady yields back.

And the chair now recognizes Representative Schakowsky for 5 minutes of



questioning.

And, Representative, unmute, please.

Ms. Schakowsky. I think I am unmuted. Can you hear me?

Mr. Tonko. We can hear you, so you are doing fine.

Ms. Schakowsky. Okay. Very good. Thank you.

This has been an amazing, amazing hearing, I really appreciate it.

The city of Chicago has been deeply affected by environmental injustice, and we know that in Chicago, African Americans account for 60 percent of the city's COVID-19-related deaths, despite the fact that they represent about 30 percent of the population of the city of Chicago.

And I think that this has really made clearly the point that EJ communities have been double deeply affected by the virus and all of the existing problems that have come before it, and that it is a public health as well as an environmental health issue.

This administration has rolled back or plans to reverse over 100 environmental rules. It must be particularly painful to you, Mr. Ali, to see that happening. And, in fact, just this week, we have seen the President sign an executive order to accelerate permitting of major infrastructure programs and projects waiving environmental review for pipeline and highways and other projects.

Experts warn that this action will have a disproportionately negative impact on the communities that we have been talking about.

So, Mr. Ali, what I want to ask you, you know, the President had talked about warm weather is going to get rid of this virus, but I just heard you say that you thought that the summer temperatures, the higher temperatures, are actually going to exacerbate the problems. Is that true?

Mr. Ali. Well, warmer weather exacerbates air pollution.

Ms. Schakowsky. Yes.

Mr. Ali. The finding of smog and many of the other things that you see that also impacts ozone. So all of that coming together just causes additional burdens in these communities.

Ms. Schakowsky. Thank you for that.

You know, I wanted to read something from the United States Environmental Protection Agency, defines environmental justice as, quote, "the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income." And I am just wondering, Mr. Ali -- and I would also like to ask Ms. Patterson about that -- if you really see that happening, particularly the issue of meaningful involvement of those communities.

Mr. Ali. Well, I will start very quickly. With both of those aspects, because I was around when we created that definition; fair treatment, most definitely not. If there was fair treatment, there would be honest analysis about these additional impacts that are going on in our most vulnerable communities, in communities of color, lower wealth communities, and on indigenous land. Meaningful involvement. If there was true meaningful involvement, then we would be engaging with the individuals, before these decisions are being made, to be able to mitigate the impacts that are happening. And, you know, the interesting thing is that the Environmental Protection Agency has even said with some of the actions that they have done, some of the rolling back, if you will, that there are going to be less lives that are protected.

So I am not sure how you can make a statement that says less people are going to be protected, but I am okay with that. These are our tax dollars that are literally being utilized to impact these communities, and that is unacceptable.

Ms. Schakowsky. Do I have any moments left for Ms. Patterson to speak to that?

Ms. Patterson. Okay. So, yeah, I will just reiterate what Mr. Ali said in terms of certainly fair treatment wouldn't mean that we have kids who are two to three times more times likely to die of an asthma attack and three or more times likely to enter in the hospital from an asthma attack. Their treatment wouldn't mean that we would have adults who are more likely to die of lung cancer but less likely to smoke. Their treatment would mean that we are disproportionately located in cancer clusters throughout the Nation. And if we had equal engagement, then these things wouldn't be happening in the first place, because we -- our communities know the solutions that are going to protect our health and wellbeing.

So we -- so, in answer to your question, definitely not fair treatment, and definitely not meaningful engagement or the world would look a lot different.

Thank you.

RPTR WARREN

EDTR CRYSTAL

[3:02 p.m.]

Ms. Schakowsky. Thank you. Thank you so much. Am I out of time? I can't --

Mr. Tonko. You are out of time.

Ms. Schakowsky. Oh, okay. Thank you. I appreciate it.

Mr. Tonko. Okay. The gentlelady yields back.

Now I believe we go to Representative Castor for -- oh, I am sorry. We go to Representative Kennedy for 5 minutes of questions.

And, Representative Kennedy, ready to go.

Mr. Kennedy. Mr. Tonko, thank you.

And thank you to our witnesses for being here today and for an extremely important conversation.

The disparate impacts of COVID-19 are obvious and nationwide. In Massachusetts, they are also undeniable. All of the communities with the highest rates of COVID-19 in Massachusetts are also environmental justice communities.

Last month I sent a letter to President Trump calling for the appointment of an environmental justice expert to the Coronavirus Task Force and calling for all future actions to prioritize communities that are most at risk.

But it is clear that we need to do much more than that. We need to confront the causes of air pollution that increase rates of asthma and other comorbidities that leave our communities uniquely vulnerable not just to pandemics, but to countless health challenges every single day.

So, Ms. Patterson, I want to start with you. I know you touched on this a bit. But how do we right this ship, and how do we give communities of color and people of color more voice in the government's response to COVID-19?

Ms. Patterson. Yes. Thank you so much for the question.

So certainly we have to have more of a -- more -- I am sorry, I am trying to think how to articulate this -- more forums for community engagement and community decisionmaking. I know it has been a tough pivot because some of our traditional ways of having community engagement haven't been available to us in terms of hearings and so forth. But we have to make that pivot because, as I said before, communities do know the solutions that will work for them.

And so we need to engage with the frontline base-building groups that know how to connect with communities and figure out how we are going to pave those pathways for dialogue, for input, and for shared decisionmaking around solutions that work.

That is my first short answer. I know you have limited time.

Mr. Kennedy. Thank you.

And, Mr. Ali, what are your thoughts?

Mr. Ali. Well, there are some things that I shared with the administration when they first came in. One of them is that at the Environmental Protection Agency they should have a senior adviser for environmental justice. I don't know how you can adequately address these issues if you don't have someone who shared with the Administrator, okay, if you go this way, this is going to happen; if you go that way, that is going to happen.

In relationship to the White House, they should also have someone who has expertise in these areas to also help them. So if you are working on opportunity zones, you should also have someone who understands environmental justice to help to make

sure that process, it is fully engaging and protecting all the folks.

And if you really want to get good with it, then you make sure the 17 Federal agencies that have a responsibility for environmental justice out of Executive Order 12898 also have senior leadership who is talking to Ben Carson at HUD and saying, hey, you know, here is what some of the impacts are, how can we think critically about our resources to make real change happen? Or at the Department of Energy, how do we make sure that we are leveraging our resources and expertise to actually uplift these communities?

So we have been having a conversation about economics and jobs along with the impacts that are happening from COVID-19. So let's also make sure that the Department of Labor and the Department of Commerce and the Small Business Administration also have someone who is having these conversations with them and they are also opening up the doors to make sure that frontline community are helping to lead many of those conversations since the impacts, whether negative or positive, are going to come back to their communities.

And that is what representative government should be looking like, and that is how we actually give real people something to frame out policy and actions that benefit everyone.

Mr. Kennedy. So building off of that, Congress and particularly the Senate, still has serious work to do to respond to the pandemic and help our country recover. The last thing we should include in our recovery efforts is a bailout for big fossil fuel companies.

So, Mr. Ali, how would bailing out oil and gas while failing to invest in environmental protection or environmental justice communities hurt Black and Latinx individuals?

Mr. Ali. I mean, in so many ways. You know, it is funny, the oil companies -- so let me say it this way. You know, going back to my early statement, when my grandmother, when she said, when you know better, do better. You know, if this was 100 years ago, 75 years ago, of course, fossil fuels played a huge role and were necessary in helping to build the infrastructure of our country. We now know that there are other opportunities.

So when we move resources to those entities that are playing a role in impacting our communities, there is something wrong with that formula when we are not also equally moving opportunities to cleaner forms of energy and also rebuilding these communities that have been impacted by the actions that we are supporting now with our dollars and that we did in the past.

Mr. Kennedy. I will have to leave it with that. Thank you both.

I yield back. Thank you.

Mr. Tonko. The gentleman yields back.

I believe that concludes all of our colleagues that wish to ask questions of our witnesses?

If so, then I would like to thank our witnesses for joining us for today's hearing. The input has been very valuable.

I remind members that, pursuant to committee rules, they have 10 business days by which to submit additional questions for the record to be answered by our witnesses. And I ask that our witnesses to please respond promptly to any such questions that they may receive.

I now request unanimous consent to enter a number of documents into the record.

Mr. Shimkus. I am trying. I can't get on.

Oh, Mr. Chairman?

Mr. Tonko. Yes, sir. I have some documents I was going to announce. Do you have additional ones there?

Mr. Shimkus. I don't know if they are additional. I will just go through them real quick. I know they have been vetted. Can I just name them real quick?

Mr. Tonko. Sure.

Mr. Shimkus. The June 8, 2020, letter to EPA Administrator Wheeler to committee outlining concerns with the lack of peer review of the Harvard study; May 13, 2020, letter from EPA to New York Attorney General's Office outlining EPA's COVID-19 temporary enforcement policy and that the EPA is continuing to enforce the laws; June 2020 letter from EPA to Congress with EPA's 2019 Air Trends report showing reductions in emissions; August 2018 letter from the Conference of Mayors to the IRS in support of opportunity zones; and the last one being this 2020 Association of Air Pollution Control Agencies Trends and Success Report showing improvements across the country.

Those are the five that we had.

Mr. Tonko. Okay. I also did have a letter from WE ACT for Environmental Justice, a letter from the West End Revitalization Association, and I believe a report by EPA entitled, "Our Nation's Air 2020."

Does that conclude all?

Mr. Shimkus. I think that does.

Mr. Tonko. And a bicameral letter to the EPA.

Mr. Shimkus. Okay. I think that is -- we have all agreed upon those.

Mr. Tonko. Okay. So with all of those -- there is a request for unanimous consent to enter the documents into the record. Any --

Mr. Shimkus. Without objection.



Mr. Tonko. No objection. Without objection, so ordered.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Tonko. So at this time the subcommittee is adjourned.

Mr. Shimkus. Great job, Chairman.

Mr. Tonko. Thank you very much, everybody.

[Whereupon, at 3:11 p.m., the subcommittee was adjourned.]