

Subcommittee on Environment and Climate Change
Hearing on
“Pollution and Pandemics:
COVID-19’s Disproportionate Impact on Environmental Justice Communities”
June 9, 2020

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The Honorable Yvette Clarke (D-NY)

The past few weeks have taught us that transparency and accountability are critical to protecting marginalized communities. We’ve seen, for example, how qualified immunity for police officers has contributed to a system overrun with misconduct and brutality.

1. Do you see a parallel need for accountability for polluters? Why is it important to hold polluters accountable for the damages they cause?

RESPONSE:

Absolutely there is a parallel need for accountability for polluters. Without holding polluters accountable, it is the communities that pay the price as the price for any action always has to be paid by someone. If I ran over my neighbors mailbox with my car, it would not be acceptable for me to shrug my shoulders and say, “That’s on you, man!” I would be responsible for paying for the mailbox. Similarly, if a polluter poisons the water, they have to clean it up. And if a polluter poisons the water and someone gets sick as a result, they have to take responsibility for paying “damages” for that offense.

2. The fossil fuel industry has sought immunity from lawsuits seeking to hold them accountable for climate damages. What are the consequences for environmental justice communities if their access to the courts is blocked? Doesn’t justice include the right to hold responsible parties accountable?

RESPONSE:

This is what laws are supposed to be for. Though courts should be the last resort, their very purpose is to uphold the rule of law. The consequence would be the perpetuation of the status quo. Because of the unholy marriage of money and politics, legislative and regulatory handles are grossly insufficient. As such, we have the relatively unfettered pollution that harms the health and wellbeing of black, indigenous, people of color and low income communities with impunity. And the courts are too often our only recourse. To deny communities access to this avenue is the very definition of civil rights violations and the very antithesis of liberty ad justice for all.