

**Subcommittee on Environment and Climate Change
Hearing on
“Pollution and Pandemics:
COVID-19’s Disproportionate Impact on Environmental Justice Communities”
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The Honorable Bobby L. Rush (D-IL)

1. This May, the Chicago Tribune’s front-page headline read “Many cities around the globe saw cleaner air after being shut down for COVID-19. But not Chicago.” Conversely, various U.S. cities have experienced temporary relief from poor air quality as a result of COVID-19 related stay-at-home orders. What factors make Chicago and cities alike the exception to this rule?

As the article discussed, there are several factors that may have contributed to the fluctuation of air quality among cities, such as Chicago, amid the pandemic. The types of industry that are most prominent in regions, in combination with economic pressures, can serve as driving factors. Chicago, like several other cities that serve as transportation hubs, may not reap the same air quality benefits as other communities due to existing transportation corridors, which involve the use of freight railroad transportation. Studies have shown that freight railyard systems have the ability to emit tons of diesel emission pollution on a yearly basis, which can significantly impact air quality. Existing manufacturing industries and their emissions, including particular matter, may also contribute to the inability of urban regions to experience better air quality due to additional economic pressures to produce goods that stem from the COVID-19 pandemic.

2. Executive Order 12898 directs federal agencies to make achieving environmental justices apart of their missions to reduce the impact of activities on minority and low-income populations.
 - a. In what ways has the Department of Energy implemented this order to your satisfaction?

In previous years, the Department of Energy has worked closely with other agencies to spearhead funding and programming that has directly served lower wealth and communities of color. First, the department has been instrumental in providing necessary funds to help support lower wealth residents weatherize their homes, which can significantly provide financial relief to households suffering from high energy bills due to energy inefficient housing. Second, the implementation of the Emergency Efficiency and Conservation Block Grant Program was instrumental in providing

\$3.2 billion to local governments, Indigenous tribes and territories to improve energy efficiency, which lowered energy bills and simultaneously reduced carbon emissions.

- b. In your opinion, how might the Department of Energy implement the Executive Order further?

There are several arenas in which the Department of Energy can bolster its existing programming to further address directives from Executive Order 12898. First, the department should reassess metrics associated with eligibility requirements for services and programs. In addition to income qualifications, requirements associated with the condition of the home can impede residents that need assistance the most from receiving weatherization assistance. Second, programs, such as the Emergency Efficiency and Conservation Block Grant Program, should be reinstated because of its ability to not only provide needed assistance to households, but because programs like this have the capability of creating jobs. By reinstating and fully funding the Emergency Efficiency and Conservation Block Grant Program, the department has the ability to create an average of 35,000 jobs over the next five years.

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?

Yes, there are clear parallels, and just as we are calling for policy changes that hold police officers accountable, we must also hold polluting industries accountable for their disproportionate impact on communities of color. Throughout our Environmental Justice Roundtables, frontline leaders have voiced their concerns on our government's lack of accountability and regulatory oversight when it comes to dealing with polluting industries in their communities. By allowing polluters to simply pay fines to resume business as usual or by allowing industries to regulate themselves, we are undermining the health of communities and their ability to thrive.

A lack of accountability has provoked severe health disparities among frontline communities and these disparities are evident when assessing the disproportionate impact of the coronavirus on people of color. Due to elevated exposure to toxic pollutants, frontline communities suffer from chronic medical conditions: heart, liver, kidney and lung disease, as well as cancers. These conditions make them susceptible to health-related complications from COVID-19. According to the Centers for Disease Control and Prevention, Indigenous people and African-Americans are 5 times more likely to be

hospitalized or die from coronavirus when compared to non-Hispanic, white Americans. And Latinxs are 4 times more likely.

We must hold polluting industries accountable to ensure the safety and security of frontline communities and their ability to overcome future public health crisis.

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?

By allowing the fossil fuel industry to have immunity from lawsuits, we are reinforcing the perception that Black and Brown bodies don't matter. These actions fuel the mistrust that has developed between environmental justice communities and our democratic way of governance. In many cases, litigation is the last line of defense between communities and polluting industries. Therefore, litigation must continue to be an option as we tackle climate change impacts and find solutions to support vulnerable populations.

Furthermore, as evidence continues to surmount surrounding the connection between fossil fuel emissions, rising temperatures, and human health conditions, litigation will be an important tool to reduce emissions and gather resources. In addition to holding industries accountable, we must also mobilize resources to ensure that frontline communities are able to withstand climate change impacts, such as more frequent and severe weather storms, extreme heat, and flooding.