

Answers From Nicky Sheats to Questions from the Committee on Natural Resources Regarding the EJ For All Act

July 17, 2022

Questions from Rep. Debbie Dingell, MI

1. How have NEPA protections successfully been used to protect vulnerable communities from some of the worst impacts of industrial and extractive activity?

NEPA has ensured public participation in projects that could have detrimental impacts on communities and remain in these communities for decades and possibly longer. At hearings and in comments conducted and accepted due to NEPA regulations,¹ community voices have been heard and provided input into the design and implementation of projects that would have the potential to impact the lives of community residents. Without NEPA these projects would proceed with little or no community participation or input.

2. How would strengthening NEPA and community input opportunities under the Environmental Justice for All Act impact ordinary Americans' ability to have a voice in major projects like pipelines or extractive activity that directly impacts their communities?

The EJ For All act contains several new requirements that would result in community members having more information and a better understanding of the impact of federal action on their communities. One such requirement would be a community impact report that would provide some detail on the effects of a federal action on a community. It would also mandate additional requirements though NEPA regarding hearings, the length of comment periods, notice and translation of documents pertaining to federal actions.² These additional procedural protections should put communities in a better position to participate in NEPA reviews of all types of projects including pipelines and other projects that could be harmful to EJ communities.

3. How would comprehensive legislation like the Environmental Justice for All Act address some of the shortcomings of current federal protections for at-risk communities?

During my oral testimony to the Natural Resources Committee, I concentrated on the cumulative impacts portion of the EJ For All Act³ and I do so again in this document. The EJ For All Act would for the first time on a federal level require that, under certain circumstances, an application for a pollution permit under the Clean Air Act or Clean Water Act be denied. This would provide significant protection from additional polluting facilities in overburdened EJ communities, i.e., communities Of Color and communities with low-income, that has long been sought by these communities. By providing this type of protection the EJ For All Act would become a frontline protection against creating, perpetuating, or exacerbating disproportionate

¹ See A Citizen's Guide to the NEPA – Having Your Voice Heard, COUNCIL ON ENVIRONMENTAL QUALITY (December 2007).

² See The Environmental Justice For All Act, H.R. 2021, 117th Congress, 1st Session, Section 14 (March 18, 2021).

³ *Id.* at Section 7.

pollution burdens in EJ communities. However, the EJ For All Act would not be a silver bullet for elevated pollution levels in EJ communities and the federal government should still develop and adopt more laws and regulations to protect these communities.