

United States Senate

WASHINGTON, DC 20510

The Honorable Lee M. Zeldin
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

February 28, 2025

Dear Administrator Zeldin:

We write to you today to express our deep concern regarding the Environmental Protection Agency's (EPA) recent decision to shut down the Office of Environmental Justice and External Civil Rights (OEJECR). In the United States, communities across the country lack access to safe and reliable drinking water and sewer systems, and remain exposed to pollution that causes cancer and respiratory illnesses. These issues impact every state and community type from cities to rural and farming communities, to tribal lands. Many of these areas were deliberately targeted due to their demographics for the siting of polluting activities.¹

The closure of this office which assisted underserved communities across the country leaves us seriously questioning your commitment to adhere to the Congressional appropriations process of the agency and address the impacts of pollution on communities in urban, suburban, and rural America. The 168 EPA staff placed on administrative leave were dedicated, trusted in their community, and worked to help Americans overcome the public health and economic effects of pollution. We strongly urge you to reinstate this workforce and to provide Congress and the American people a reasonable strategy to make their communities healthier and cleaner.

Established in 1992 under a different name by President George H.W. Bush, OEJECR has played a pivotal role in ensuring that these communities, often marginalized and ignored, receive the attention, resources, and protections they deserve.² This office and its staff ensure the EPA prioritizes its work to lend a hand for these communities in their fight to reduce environmental disparities and promote health outcomes. This office ensured the EPA centered its work on the experiences and concerns of Americans. Its closure, especially without an adequate replacement, suggests that EPA's posture will be one that ignores the concerns of families experiencing the health and economic effects of a polluted environment.

We are seriously concerned that the closure of this successful office comes with no alternative vision or strategy to help Americans overcome the public health issues pollution poses to their communities. For example, in February 2023, the EPA worked with the U.S. Department of Justice to file a suit against Denka Performance Elastomer for emitting cancerous air pollutants 14 times the recommended level 450 feet from a majority Black elementary school.³ Also, in

¹ Kaufman JD, Hajat A. Confronting Environmental Racism. *Environ Health Perspect.* 2021

² Michael Gochfeld and Joanna Burger, *Disproportionate Exposures in Environmental Justice and Other Populations: The Importance of Outliers* (Am J Public Health. 2011)

³ Environmental Protection Agency. (n.d.). *EPA and Justice Department File Complaint Alleging Public Health Endangerment Caused by Denka Performance Elastomer's Carcinogenic Air Pollution | US EPA.* 2023. (US EPA. 2023)

June of 2023, a settlement agreement with the City of Houston was announced because of illegal dumping taking place in a majority Black and Latino neighborhood.⁴ Lastly, in July 2024, the EPA announced a settlement agreement with Marathon Oil arising out of the company's violation of air emission regulations and permit laws at nearly 90 oil and natural gas production facilities on the Fort Berthold Indian Reservation in North Dakota.⁵ These are only a few legal actions initiated by the EPA that displays the need of a dedicated office tasked with engaging and providing resources to communities who are the victims of environmental harm.

Without the specialized expertise of this office and its 168 employees, the EPA will be ill-equipped to achieve your stated outcome that "every American should have access to clean air, land, and water." Instead, what we fear is an EPA that is devoid of the strategies necessary to confront the challenges faced by environmental justice communities disproportionately affected by the impacts of environmental degradation and climate change. Further, OEJECR managed the environmental justice mapping tool, EJScreen, which you have scrubbed from your website. EJScreen is a valuable tool, not only for EPA to ensure fully informed permitting, enforcement, outreach, and compliance decisions, but also for other federal agencies, state and local partners, industry, and communities across the country.

Absent strong leadership by the EPA and the resources to address these concerns, a dangerous precedent will be set, signaling that the federal government will no longer be a resource to all Americans, especially those in areas overburdened by pollution and the accompanying health burden. Congress has been clear that the EPA must prioritize combating pollution in marginalized communities around the country. It has directed appropriations toward offices like the OEJECR and programs that address environmental justice. For many years, the EPA has had an environmental justice line item under the agency's enforcement unit. Congress explicitly directed the EPA to work on environmental justice in the explanatory statement to Public Law 117-103, going so far as to direct the EPA to provide to Congress a "comprehensive briefing" on how environmental justice work will be executed by the Agency and to create a proposal of a "national program office" centered on the work.

We strongly urge you to reinstate the Office of Environmental Justice and External Civil Rights and its workforce. Further, to better help us understand how and why you reached this decision and your strategies to combat these real public health concerns, please provide responses to the following requests for information by no later than March 14, 2025:

1. Please explain in detail the process by which this decision was made and how it was communicated to staff.
2. Please explain thoroughly how you will continue to execute programs such as the Environmental Justice Community Change Grants Program, Environmental Justice Thriving Communities Grantmaking Program, the Environmental Justice Small

⁴ Environmental Protection Agency. (n.d.). *Justice Department Announces Agreement in Environmental Justice Investigation of Illegal Dumping in the City of Houston*. US EPA 2023.

⁵ Environmental Protection Agency. (n.d.). *Marathon Oil Company 2024 Clean Air Act Stationary Source Settlement* | US EPA. US EPA 2024.

Collaborative Problem Solving Grants Program, the Environmental Justice Government to Government Grants Program, and the Thriving Communities Technical Assistance Centers Program initiatives that help communities access grants to address water contamination, air pollution, and lead reduction.

- a. Will you continue to provide technical assistance so the most impacted communities can have a chance to compete for EPA's national federal funding programs?
3. Please explain in detail how the agency will ensure fair access to grant programs and support economically and socially disadvantaged communities – including communities of color, rural and farm communities, and Tribal communities - in competing for funding and addressing critical issues in their community.
4. What is your strategy to combat pollution in marginalized communities across the country?
5. What plans do you have for continuing to engage with community organizations and local governments on environmental justice issues in the absence of the office?
6. How do you intend to work with local governments to expand access to clean water and improve air quality?
7. How will the agency assist local governments in developing and enforcing pollution reduction regulations?
8. Explain how you intend to support local leaders and officials in building capacity and expertise in environmental justice work at the community level?
9. How will EPA identify areas that may have higher environmental burdens without access to EJScreen, what agency personnel will be tasked with maintaining that information, and how will EPA proactively share that information with the public?
10. How will you ensure transparency and accountability in the agency's environmental justice work after the closure of the office?
11. How will you rebuild trust with community-based organizations after the closure of this office and work to ensure they have the necessary resources to combat pollution?
12. How will you rebuild trust with local government, communities, Tribes and stakeholders who are now concerned about the lack of budget assurance for millions of dollars in projects funded through with Congressional allocated Bipartisan Infrastructure Law and Inflation Reduction Act resources?

You stated to the Environment and Public Works Committee that you believe “every American deserves access to clean air and water” and that you would “commit to working hard to meet the needs of all communities.” We trust that you will stand by your commitment to communities across the nation who rely on the EPA's commitment to environmental justice and work to ensure that the agency continues to serve all Americans fairly and effectively.

Sincerely,



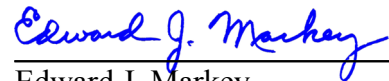
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United States Senator



Alex Padilla
United States Senator



Adam B. Schiff
United States Senator



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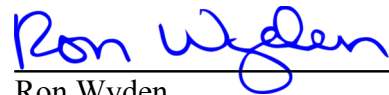
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