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May 21, 2015

Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy,

The National Environmental Justice Advisory Council (NEJAC) supports aggressively combatting climate change by sharply reducing emissions of greenhouse gases. We do so because climate change may cause increased air pollution, an increased number of heavy precipitation events, elevated food prices, an increase in certain communicable diseases, and have other impacts that pose a grave threat to all communities in the United States but which may disproportionately affect environmental justice (EJ) communities, i.e. communities of color and low-income communities.

More specifically, we support the goal contained in the U.S. Environmental Protection Agency's (EPA) proposed Clean Power Plan rule to reduce carbon dioxide emissions from power plants in the United States by 30% by the year 2030, and continued aggressive efforts to reduce greenhouse emissions 80% by 2050. We also believe EPA has the authority to mandate emissions reductions and therefore support the spirit of the Clean Power Plan rule.

However, we believe that the proposed rule should include actions that facilitate equitable outcomes for EJ communities. In its current form the proposed plan seldom mentions equity and fails to ensure that environmental and technological benefits of the plan will reach EJ communities. It is also clear that no EJ analyses were employed during the development of the Clean Power Plan, a major EPA proposed rule. The proposed rule also identifies a potential EJ problem (increased local emissions of greenhouse gases and co-pollutants at some locations) but provides no remedy or guidance on how to reduce or eliminate risks it poses to EJ communities. We believe that climate change policy should address equity and that the EPA has a fundamental obligation to ensure equity while addressing this global threat.

In the context of the Clean Power Plan this would at the very least mean that the proposed rule should require:

1. Absolute carbon dioxide emissions reductions in and near EJ communities, where they would also result in co-pollutant reductions. It is preferable that co-

pollutant reductions be intentionally maximized but even if they are not there should be carbon dioxide emissions reductions in and near EJ communities so these communities will benefit from unintentional co-pollutant reductions. Co-pollutant reductions should be accomplished in the context of achieving the Clean Power Plan's goal of attaining a 30% reduction in carbon dioxide emissions.

2. The prioritized use of appropriate renewable energy and energy efficiency in EJ communities.
3. EJ analyses performed by the States that: 1) demonstrate absolute carbon dioxide emissions reductions in and near EJ communities where they also result in co-pollutant reductions; 2) demonstrate the prioritized use of appropriate renewable energy and energy efficiency in EJ communities; and 3) evaluate the distribution of costs and benefits to EJ communities from state implementation plans developed pursuant to the Clean Power Plan rule.

No climate change policy, including the Clean Power Plan, should result in detrimental impacts on EJ communities. Moreover, the Plan and other climate change policy should be designed in a way that requires equitable distribution of emission reductions and prioritizes renewable energy and energy efficiency utilization to EJ communities. EPA should design the plan so that impacts and benefits produced by the Clean Power Plan are consistent with the Agency's obligations under Title VI.

The fight against climate change presents our country with a unique opportunity to improve the quality of life in EJ communities that suffer disproportionately from environmental hazards. EPA should take advantage of this opportunity by designing the Clean Power Plan in such a way that environmental and technological benefits produced by any climate change mitigation policy such as emissions reductions, and the utilization of renewable energy and energy efficiency, actually reach EJ communities in a cost effective manner.

As always, NEJAC stands ready to work with EPA to implement any of the suggestions contained in this letter.

Sincerely,



Margaret J. May
Chair

cc: NEJAC Members
Cynthia Giles, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance
Janet McCabe, Assistant Administrator, EPA Office of Air and Radiation
Mustafa Ali, Senior Advisor to the Administrator for Environmental Justice
Matthew Tejada, Director, Office of Environmental Justice (OEJ)
Sherri White, Designated Federal Officer, NEJAC, OEJ