

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

September 25, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Wheeler:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee is continuing to investigate the failures of the U.S. Environmental Protection Agency (EPA) to address the impacts of pollution on environmental justice communities.

On September 4, the Office of Management and Budget issued a memorandum directing federal agencies to end “un-American propaganda training sessions,” including those that reference “critical race theory,” “white privilege,” or suggest “the United States is an inherently racist or evil country.”¹ In response to this directive, EPA postponed racism sensitivity trainings,² as well as a speaker series on “Environmental Justice and Structural Racism.”³ This series was to include, for example, a presentation on the effects of racially discriminatory housing policies on communities today.⁴ Relatedly, on September 22, the White House issued a Executive Order further limiting the ability of federal agencies, the Armed Services, contractors, and grant recipients from developing programs and trainings to address systemic racism.⁵

¹ Memorandum from The Honorable Russell T. Vought, Director, Office of Management and Budget to the Heads of Executive Departments and Agencies, Training in Federal Government (Sept. 4, 2020) (hereinafter “September 4 Directive”); *White House directs federal agencies to cancel race-related training sessions it calls ‘un-American propaganda,’* Washington Post (Sept. 5, 2020).

² *EPA cancels race-related training sessions*, E&E News (Sept. 16, 2020).

³ *EPA postpones speaker series on racism after White House order*, Politico (Sept. 15, 2020).

⁴ *Id.*

⁵ The White House, *Executive Order on Combating Race and Sex Stereotyping* (Sept. 22, 2020) (www.whitehouse.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/).

Where a person lives has a profound impact on the environmental conditions—good or bad—that they encounter. An understanding of the structural, and sometimes racial, influences on housing decisions is crucial to EPA’s environmental justice mission of ensuring equal protection from health hazards.⁶

EPA itself recognized the importance of these issues when it previously advertised the speaker series, explaining that “addressing structural racism is indeed *highly relevant to EPA’s mission* [emphasis added] and key to advancing the integration of [environmental justice].”⁷

For example, it is widely recognized that minority, low-income, and otherwise disenfranchised communities bear a disproportionate burden of pollution in this country. In 2018, EPA authored a study finding that Black Americans, regardless of income level, are exposed to 1.5 times more dirty air from soot pollution than the population at large.⁸ This pollution is linked to premature death, heart disease, and lung disease, including asthma and now the coronavirus of 2019 (COVID-19).⁹ Black Americans are also 75 percent more likely to live in areas with facilities that produce hazardous waste, and many live in areas that emit toxins that expose them to a cancer risk above EPA’s level of concern.¹⁰

We are concerned that EPA’s decision to suspend these events may undermine its mission by discounting the underlying factors, including systemic racism, that contribute to unequal environmental and health conditions. Environmental justice trainings are fundamentally intertwined with EPA’s responsibility to advance clean air and water for *all* Americans, and therefore these training sessions should not be canceled.

EPA’s decision is all the more perplexing given your recent speech in which you pledged to deliver better results for communities facing environmental threats, recognizing that the “communities that deal with the worst pollution in this country, they tend to be low income and minority.”¹¹ You went on to say it is not “happenstance or coincidence” that certain

⁶ U.S. Environmental Protection Agency, Environmental Justice (epa.gov/environmentaljustice).

⁷ *EPA postpones speaker series on racism after White House order*, Politico (Sept. 15, 2020).

⁸ Ihab Mikati, B.S. et. al., *Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status*, American Journal of Public Health (April 2018) (authored by staff at EPA’s National Center for Environmental Assessment).

⁹ *Pollution is Killing Black Americans. This Community Fought Back*, New York Times, (Jul. 28, 2020).

¹⁰ Clean Air Task Force & NAACP, *Fumes Across the Fenceline: The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities* (Nov. 2017).

¹¹ *Environmental Protection Agency 50th Anniversary*, CSPAN (Sept. 3, 2020).

communities face disproportionate pollution burdens.¹² We agree, and are concerned that trainings intended to illuminate the structural and historical reasons behind these environmental disparities have been indefinitely postponed as a result of EPA's implementation of the White House's September 4 Directive.

Given our concerns that these actions may deliberately or inadvertently undermine important training and/or speaking sessions related to environmental justice matters, we request that EPA provide the following:

1. A list and description of all EPA events or trainings that have been postponed or canceled as a result of the September 4 Directive and September 22 Executive Order, and a rationale of why they meet the criteria set forth in the Directive (including for the postponed environmental justice speaker series and racism sensitivity trainings); and
2. Any contracts for race-related trainings that EPA has identified as potentially falling within the September 4 Directive and September 22 Executive Order, the criteria used to identify these contracts, and any legal avenues identified to potentially cancel these contracts (as requested by the Directive).

In addition to these questions, we request that EPA brief the Committee on the Agency's implementation of the September 4 Directive and September 22 Executive Order. Staff will communicate with your office to arrange a mutually agreeable time.

Please provide all requested information and materials no later than October 9, 2020. If you have questions, please contact Judy Harvey or Jon Monger of the Majority staff at (202) 225-2927. Thank you for your attention to this matter.

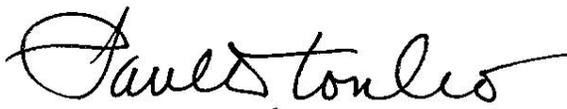
Sincerely,



Frank Pallone, Jr.
Chairman



Diana DeGette
Chair
Subcommittee on Oversight
and Investigations



Paul D. Tonko
Chairman
Subcommittee on Environment
and Climate Change

¹² *Id.*

The Honorable Andrew Wheeler

September 25, 2020

Page 4

Cc: The Honorable Greg Walden, Ranking Member, Committee on Energy and Commerce
The Honorable Brett Guthrie, Ranking Member, Subcommittee on Oversight and
Investigations
The Honorable John Shimkus, Ranking Member, Subcommittee on Environment and
Climate Change