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Dr. Mildred McClain
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Tuesday, April 13, 2021

House Committee on Energy & Commerce
Legislative Hearing on “The CLEAN Future Act and Environmental Justice”
Testimony of Dr. Mildred McClain
April 15, 2021

Good Morning Chairman Tonko, Ranking Member McKinley, and members of the committee.

Thank you for inviting me to testify today. My name is Dr. Mildred McClain and I am the Executive Director of the Harambee House and Citizens for Environmental Justice, located in Savannah, Georgia. We are a community-based organization that works collectively with families, youth, businesses, and other organizations in our neighborhoods and across the country. Since 1990, we have aimed at educating, inspiring, organizing, and building the capacity of African Americans and other communities of color to create and sustain safe, economically vibrant, healthy neighborhoods that promote healthy living, wellness. We advocate for environmental justice for frontline communities like ours that have historically suffered the effects of a disproportionate exposure to toxins and pollutants.

There are a number of legislative proposals under discussion, today. I will focus my testimony on H.R. 2021 - the “Environmental Justice for All Act.” H.R. 2021 or the EJ4ALL Act, as the community has termed it, is a promising start to long-overdue legislation aimed at addressing systemic environmental injustices resulting from federal actions and decisions. For far too long, environmental justice communities have suffered the devastating impacts of having to disproportionately bear the burdens of exposure to multiple sources of pollution, including alarmingly high rates of respiratory illnesses, cancer, and premature death. Rightly, this bill attempts to address this problem by investing in local communities, increasing transparency, and empowering impacted stakeholders to hold polluters accountable.

The process by which this bill was developed deserves particular attention. Representative McEachin (here with us today) and Natural Resources Chairman Raúl Grijalva developed this legislation from the ground up, with impacted communities leading and driving the development of the bill. To address environmental injustice, the process matters. By reaching out to communities and providing opportunities to meaningfully engage in its development,

Representatives McEachin and Grijalva – as well as then Senator Kamala Harris modeled the principles of engagement, transparency, and accountability that should also animate the federal decisions that often times have enormous impacts on front line communities. The importance of process is reflected in the bill's emphasis on strengthening one of the only laws that gives communities a voice – the National Environmental Policy Act (NEPA).

There are many important pieces to this bill which we support, but I want to speak directly the critical importance of NEPA in ensuring better environmental justice outcomes. The Harambee House and Citizens for Environmental Justice in its early inception were able to use the NEPA to engage citizens and residents with the Department of energy as well as the Savannah River plant on the activities that were going on at the facility. We began our engagement after 20,000 picocuries of tritium found its way down to the Savannah River a day after Christmas in the early 90's and it served to galvanize a group of people who took it on as their responsibility to begin to inform, educate, mobilize, and organize communities both in Georgia and South Carolina (because most of the workers came from those two states). It was NEPA that gave us both authority as well as opportunity to call for public hearings and community meetings in the various cities and counties that were being impacted by the production of nuclear weapons materials right in our backyard. This legislation builds on this tool to ensure that the voices of ALL communities are heard and ensures that their input will be meaningfully considered.

In addition to the important public input and community engagement components of the bill, our organization sees the following components of the EJ4ALL Act as critical to comprehensively and substantively addressing environmental justice in a systemic and equitable manner:

1. Legislate consistent and enforceable regulatory tools to end the disproportionate and cumulative impact of multiple pollution sources and toxic exposures on overburdened environmental justice communities. This is reflected H.R. 2021's cumulative impacts provisions in section 7 of the bill.
2. Reaffirm and make explicit that discriminatory decisions and actions by the government resulting in an adverse and disproportionate impact shall be a violation of the Civil Rights Act and private citizens shall have the right to seek justice and redress through the courts – as sections 4-6 of the Environmental Justice For All Act make clear.
3. Ensure that communities have the resources, information, access, and meaningful engagement to have their own community-led solutions by leveraging the EJ community's expertise and lived experiences. A number of crucial provisions of the EJ For All Act accomplish this through community grants, language and information accessibility provisions, citizen science and public notice requirements, among other provisions.
4. Ensure robust and adequate cultural competency, training and resources, and accountability on ALL federal agencies to infuse environmental justice as a central tenet of its decision making and outcomes.

While the community is immensely proud that OUR vision for environmental justice is reflected in H.R. 2021, the Environmental justice for All Act, in closing I want to underscore and make clear that we see H.R. 2021 as the floor of what the community's aspirations for environmental justice are – not a ceiling. As this committee proceeds with its work, I urge you all to be thinking about how we add even greater protections and programs to the EJ For All Act and build on the community's framework that is reflected in this important legislation.