

December 1, 2014

Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mailcode 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Proposed Clean Power Plan – Docket ID No. EPA-HQ-OAR-2013-0602

Dear Administrator McCarthy:

Thank you for the opportunity to provide comments on EPA's Clean Power Plan - Docket ID No. EPA-HQ-OAR-2013-0602.

The Clean Power Plan proposal creates an unprecedented opportunity to address the environmental inequities in the most impacted communities. The Plan can also provide multiple benefits and help alleviate longstanding economic and social problems, including unemployment, disinvestment, violence and blight. **As such, we strongly encourage the EPA to adopt policies that direct states to make long-term investments into communities disproportionately burdened by pollution and economic stress.** We are writing with recommendations on how EPA can help “minimize the pain” and “maximize the gain” for impacted communities.

PROBLEM: CLIMATE DISPROPORTIONATELY IMPACTS LOW-INCOME COMMUNITIES AND COMMUNITIES OF COLOR

Climate change threatens the health and wealth communities throughout the United States. Flooding, severe heat-waves, exposure to air pollutants and allergens, extreme weather events, and food scarcity will all increase without bold interventions. Executive Order 12898 and numerous studies have shown that low-income communities and communities of color will suffer first and worst because of pollution. This will aggravate existing socioeconomic burdens including under-investment, lack of access to programs, language barriers, and unemployment or underemployment. Many environmental policies and programs have failed to address the needs of these communities—bypassing them entirely or making their overall harms more severe.

Everyone deserves a clean and healthy environment. Zip code, race and income levels should not determine one's life expectancy. Policies designed to improve public health, like reducing carbon pollution, can bring good-paying jobs and much-needed investment capital to communities disproportionately impacted by pollution and vulnerable to climate change. That is why the Greenlining Institute and the Asian Pacific Environmental Network and our allies have sought and won provisions in California's climate policy that ensure communities of color and low-income communities have access to economic opportunities from an economy that is in service to people and planet.

SOLUTION: BUILD ON THE CALIFORNIA MODEL FOR ENVIRONMENTAL EQUITY

California's Global Warming Solutions Act of 2006, also known as AB 32 (Nunez), directs the state to reach 1990 levels of greenhouse gas emissions by 2020. SB 535 (de Leon) requires that at least 25% of the revenues from AB 32 go to projects that benefit disadvantaged communities, with at least 10% going to projects located within these communities. In the first year of revenue allocations, SB 535 resulted in \$272 million of investments going to programs that promote clean air, jobs, transportation and energy efficiency to benefit the communities hit first and worst by climate change.

As with AB 32 and SB 535 in California, the proposed Clean Power Plan has tremendous potential to address environmental inequities that are causing severe health outcomes for the most vulnerable populations in our communities. Re-investment requirements for implementation plans developed to comply with the Clean Power Plan can provide multiple benefits when they alleviate economic and social conditions that are pervasive in low-income communities and communities of color, like unemployment, disinvestment, violence and blight. Without adopting policies that direct the Clean Power Plan to achieve multiple benefits through its implementation, however, we will miss this invaluable opportunity.

RECOMMENDATIONS FOR ENHANCING EPA'S CLEAN POWER PLAN

1. Equity must be at the center of policies addressing climate change

The Clean Power Plan proposal creates an unprecedented opportunity to address the environmental inequities in the most impacted communities. The Plan can also provide multiple benefits and help alleviate longstanding economic and social problems, including unemployment, disinvestment, violence and blight. As such, we strongly encourage the EPA to adopt policies that direct states to make long-term investments into communities disproportionately burdened by pollution and economic stress.

EPA should ensure that equity is incorporated into implementation plans by including it in guidance for states developing their plans and also including it in any model federal plan that would apply to states without an acceptable state plan. When states submit plans to comply with the Clean Power Plan, EPA should strongly encourage states to adopt policy choices and implementation approaches that specifically take equity into account. This will ensure that as states reduce carbon pollution they also address inequities in the distribution of public health hazards that are correlated with poverty, employment, and air quality.

2. Communities of color and communities with low incomes must receive net environmental and economic benefits from revenues committed to or generated by the implementation of the Clean Power Plan

EPA should include language that moves long-term investments into impacted communities that are disproportionally burdened by pollution and economic distress. Policies or programs created to meet the Clean Power Plan requirements -- in addition to any revenues committed to or generated by such programs -- should maximize environmental, social and economic benefits in impacted communities.

Programs and investments should be guided by the following basic principles:

1. Reinvestments must prioritize mitigating the costs of implementation to low-income communities.
2. Create clean, living wage jobs and business opportunities for minority- and women-owned businesses that open pathways for low income individuals, people of color, and local residents to enter the green industry workforce.
3. Enable people to live where they work with access to clean transportation, an affordable place to live, and clean and secure food sources.
4. Prevent displacement of low-income residents and local businesses that may be caused by investments that reduce carbon pollution and increase the quality of life in neighborhoods that have long suffered from disinvestment.

3. Cumulative environmental, economic and health impacts must be measured using a science-based tool to guide investments generated by the implementation of the Clean Power Plan

EPA should develop and adopt a definition of an “impacted community” to guide investments and program implementation. This may be done by using a science-based tool (e.g. the EPA’s EJ View or the Community Development Financial Institution Fund’s CIMS Mapping Tool).¹ These actions ensure that the Clean Power Plan will reduce carbon emissions and address social, economic, health, and environmental conditions in an equitable and responsible way.

The Clean Power Plan should direct states to use science-based tools (either EPA identified areas or state-created tools) in identifying disadvantaged communities. The EPA should require implementation plans to list facilities of regulated entities in their state, describe the socio-demographic make-up of communities around those facilities, take stock of the other environmental pollution sources within the defined community, and incorporate a mechanism that dedicates to these communities a fair portion of the funds raised for implementation. These steps will ensure that the Clean Power Plan reduces carbon emissions in ways that address social, economic, health, and environmental conditions that impacted communities face.

Thank you for your leadership in advancing our country towards a clean energy future. We appreciate the opportunity to voice our recommendations, and look forward to working with Administrator McCarthy, to ensure its next steps are measurable and meaningful to maximum impact.

We can be reached at vient@greenlining.org and parin@apen4ej.org.

Thank you.

Sincerely,

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¹ California uses a science-based tool called Enviroscreen 2.0 to identify communities that meet the definition created under SB 535.