

**Statement of Aaron Mair
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**Senate Judiciary Subcommittee on Oversight, Agency Action, Federal Rights and Federal
Courts
October 7, 2015**

Good morning, Chairman Cruz, Ranking Member Coons, and Members of the Committee. I am proud to be here today as President of the Sierra Club, our country's largest and most influential grassroots environmental organization. Our 2.4 million members and supporters are spread across all fifty states, Puerto Rico and the District of Columbia and it is an honor to be here today on their behalf.

Sierra Club works to promote a transition to clean, renewable energy sources, strong public health protections to safeguard our families and communities from toxic pollution, and the preservation of our public lands and remaining wild places for future generations. We are particularly concerned about the disproportionate effects of air and water pollution on low-income families, communities of color and other historically marginalized and oppressed populations. Sierra Club works to discuss and explore the linkages between environmental quality and social justice, the resulting environmental injustices, and to promote dialogue, increased understanding and appropriate action. Environmental protection and the pursuit of environmental justice are civil rights and social justice issues.¹

ENVIRONMENTAL JUSTICE COMMUNITIES NEED STRONG ENVIRONMENTAL LAWS

Although the Environmental Protection Agency (EPA) and the federal government have taken great steps to bring environmental justice issues to the forefront of our public discourse and consciousness, minority and low income communities continue to face great environmental and socio-economic burdens.² Of particular concern, minority and low-income communities bear a disproportionate risk from climate change. The Intergovernmental Panel on Climate Change's (IPCC) Fifth Assessment Report concludes that climate disruption will hit low-income neighborhoods and people of color the hardest. According to the IPCC, "[m]any key risks constitute particular challenges for the least developed countries and vulnerable communities, given their limited ability to cope."³ These risks are both health-related and socio-economic. In the United States, minority and low income communities often live near dirty power plants and other industrial facilities. For example, 60 percent of African Americans and Latinos nationwide

¹ Civil rights are just one part of human rights. Every individual has a human right to be treated fairly and equally by state and private actors, to enjoy their rights to health, food, equal pay, and decent working conditions, among others. Environmental justice should contribute to further these rights. *See, e.g.,* Harden, M., Advocates for Environmental Human Rights, *The Need for Human Rights Advocacy to Overcome Injustice: Lessons from the Environmental Justice and Climate Justice Movement*, U.S. Human Rights Network (Dec. 5, 2013), available at http://www.ushrnetwork.org/sites/ushrnetwork.org/files/environment_justice_framing_paper_-_ushrn.pdf.

² *See, e.g.,* Bullard et al., Barbara Jordan-Mickey Leland School of Public Affairs, Texas Southern University, *Environmental Justice: Milestones and Accomplishments: 1964-2014* (Feb. 2014), available at <http://www3.law.harvard.edu/orgs/els/files/2014/02/Environmental-Justice-Milestones.pdf>.

³ IPCC, *Climate Change 2014: Impacts, Adaptation, and Vulnerability: Summary for Policymakers* (2014), at 13.

reside in communities with toxic waste sites. These communities are also more likely to live near busy highways, all of which leads to higher risk of air pollution-based illnesses.⁴ Researchers have found that African-Americans and Latinos are also more likely to reside in areas vulnerable to climate change impacts such as sea-level rise, flood risk, and wildfire risk, and that median household incomes are inversely related to these vulnerability risks.⁵ As climate change worsens, minority and low income communities will also bear the burden of spending higher proportions of their income as a result of rising food prices or increased water scarcity.⁶

That people of color and low-income communities are disproportionately impacted by pollution and climate disruption should not be up for debate any more so than the science behind climate change itself. To do so ignores the facts and the history of institutionalized racism in this country. Rather than intentional efforts to muddy the waters of political discourse, confuse voters and distract from the issues at hand, we need Congress to come together and work to make sure all communities receive equal and just protection under the law.

CONGRESS MUST PROTECT AND ENFORCE OUR BEDROCK ENVIRONMENTAL LAWS

Strong enforcement of our existing public health and environmental laws is critically important for the well-being and safety of all Americans, but especially for environmental justice communities. Laws like the Clean Air Act, Clean Water Act, the Resource Conservation and Recovery Act can work to clean up our communities but Congressional support for commonsense implementation and enforcement is needed. Sierra Club strongly urges bipartisan cooperation to protect and enforce these and other lifesaving statutes. We are alarmed by the efforts of some in Congress to block enforcement of these laws or, even more radically, seek to gut or do away with them all together.

Historically, environmental conservation was an area of consensus for Republicans and Democrats. The Environmental Protection Agency was created under President Nixon and the Clean Water Act and Clean Air Act both received strong bipartisan Congressional support. We urge a return to this tradition of working together for mutual environmental and public health benefits.

A CLEAN ENERGY FUTURE CAN AND MUST INCLUDE COMMUNITIES OF COLOR

There are some who assert that measures to cut air and water pollution somehow harm minority and low-income communities, and that strong rules and regulations to protect all of our families are unnecessary and particularly burdensome to these groups. These specious claims ignore the epidemiological science, the history of institutionalized racism in our country, and also the historical record that clearly demonstrates enforcement of environmental laws in our country has

⁴ Truong, V., *Addressing Poverty and Pollution: California's SB 535 Greenhouse Gas Reduction Fund*, 49 Harvard Civil Rights-Civil Liberties L. Rev. 493, 498 (2014).

⁵ English et al., *Racial and Income Disparities in Relation to a Proposed Climate Change Vulnerability Screening Method for California*, The International Journal of Climate Change: Impacts and Responses, Volume 4, Issue 2, at 1-18.

⁶ Truong, V., *Addressing Poverty and Pollution: California's SB 535 Greenhouse Gas Reduction Fund*, *supra* n.

gone hand in hand with economic growth and improvements in our collective public health. The Clean Air Act, for example, has a more than 40 year history of reducing air pollution and growing the economy that has contributed to an improved quality of life for all Americans. This law has been one of the most successful pieces of legislation ever passed by Congress, saving hundreds of thousands of lives, preventing millions of asthma attacks and providing an estimated \$2 trillion in benefits to taxpayers.⁷

We should be working to continue this tradition of guarding public health and growing our economy by protecting our laws on the books and enforcing them in a way that creates jobs and opportunity for environmental justice communities. We have a chance to drive clean energy investments and jobs towards the communities that are hit the hardest. Already more than 3.4 million Americans work in the green sector⁸ and, dollar for dollar, clean energy investments create three times as many jobs as fossil fuel investments.⁹ Polls consistently show that Black and Latino voters overwhelming support action on climate and strong air and water pollution protections. This is because minorities and low income families are on the front lines of dealing with pollution and see first-hand the need for strong federal action. They want and need laws that move us forward and closer to an inclusive and just 21st century green energy economy. They want and need Congressional support for bold action and commonsense application of existing statutes.

SIERRA CLUB STRONGLY SUPPORTS EFFORTS TO PROTECT COMMUNITIES FROM AIR AND WATER POLLUTION

Sierra Club strongly supports efforts to protect all communities from air and water pollution and encourages Congress to work with the Administration in a bipartisan fashion to implement important and long-overdue measures like the Clean Power Plan, Steam Electric Effluent Limitation Guidelines, the Clean Water Rule and stringent enforcement of the National Ambient Air Quality Standards (NAAQS) for criteria pollutants such as ground-level ozone, particulate matter, and sulfur and nitrogen oxides. These are just a few of the standards that, if allowed to work, can help better protect all families but specifically safeguard some of our most vulnerable and marginalized fellow Americans.

To those expressing concern about the health and well-being of low income families and communities of color, we invite you to join Sierra Club in supporting not just robust enforcement of our country's air and water protection laws, but other initiatives and measures that would lift up and protect people of color and the working class. We would welcome your public support for racial justice and equality and would urge you to join us in expressing support for the Black Lives Matter movement, restoration and strengthening of the Voting Rights Act, and a pathway

⁷ EPA, 2011, *The Benefits and Costs of the Clean Air Act from 1990 to 2020 Final Report – Rev. A U.S. Environmental Protection Agency Office of Air and Radiation, The Benefits and Costs of the Clean Air Act from 1990 to 2020 Final Report*, <http://www2.epa.gov/clean-air-act-overview/benefits-and-costs-clean-air-act-1990-2020-second-prospective-study>

⁸ U.S. Bureau of Labor Statistics 2013, *Green Goods and Services (GGS) Survey*

<http://www.bls.gov/opub/mlr/2013/article/green-goods-and-services-survey-results-and-collection.htm>

⁹ Robert Pollin, James Heintz, and Heidi Garrett-Peltier 2009, Department of Economics and Political Economy Research Institute (PERI) University of Massachusetts, Amherst

http://www.peri.umass.edu/fileadmin/pdf/other_publication_types/green_economics/economic_benefits/economic_benefits.PDF

to citizenship for undocumented immigrants. We extend an open hand and invitation to partner with us and our allies on the Fight for 15 to help ensure hard-working men and women earn a living wage and are able to provide for themselves and their families. As gun violence continues to rip apart families across our country, and as Black and Latino families suffer a disproportionate loss of loved ones, we would welcome your support in joining us in the call for common-sense gun controls like the assault weapon ban.

If this Committee, Members of Congress and business interest groups are serious about protecting minorities and low-income families, there is no shortage of opportunities to work together across the aisle on legislative fixes to some of our most pressing economic and public health challenges. But to attack our federal rulemaking system and block enforcement of air and water protections would be steps in the wrong direction that would take us backward and put families at further risk. Blocking all regulations and safeguards, as some in Congress have sought to do, would mean no restrictions on how much pollution power plants and industrial facilities can spew into our air and water, no oversight or worker protections for risky offshore oil drilling or coal mining operations, and no fuel and vehicle efficiency standards that save Americans money at the pump and clean up our air.

Under the guise of protecting environmental justice communities, there are those in Congress that would seek to dismantle the very laws that protect them. These are not efforts to protect or reform. These are efforts to put polluter profits ahead of public health by giving a free pass to corporate bad actors that disdain accountability and want no limitations on their actions. In years past, such extreme tactics would have likely prohibited government's work to mandate seat belts, remove lead from our gasoline and paint, abolish child labor and establish a minimum wage. Most Americans would join me in appreciating a rulemaking system that has worked so effectively to protect our communities and strengthen our society.

Thank you for the opportunity to speak today on behalf of our millions of members and supporters. Sierra Club looks forward to working with Congress to protect and enforce this country's bedrock environmental laws so that every American has the opportunity to live out our mission – to explore, enjoy and protect the planet.