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# THE BIDEN PLAN TO SECURE ENVIRONMENTAL JUSTICE AND EQUITABLE ECONOMIC OPPORTUNITY

The current COVID-19 pandemic reminds us how profoundly the energy and environmental policy decisions of the past have failed communities of color – allowing systemic shocks, persistent stressors, and pandemics to disproportionately impact communities of color and low-income communities.

Joe Biden is running for President to ensure that all Americans have a fair shot at getting ahead. That means rooting out the systemic racism in our laws, policies, institutions, and hearts. Any sound energy and environmental policy must advance public health and economic opportunity for all Americans, in rural, urban, and suburban communities, and recognize that communities of color and low-income communities have faced disproportionate harm from climate change and environmental contaminants for decades. It must also hold corporate polluters responsible for rampant pollution that creates the types of underlying conditions that are contributing to the disproportionate rates of illness, hospitalization, and death from COVID-19 among Black, Latino, and Native Americans. That means officials setting policy must be accountable to the people and communities they serve, not to polluters and corporations. Addressing environmental and climate justice is a core tenet of Biden's climate plan. Biden will:

- Use an inclusive and empowering All-of-Government approach;
- Make decisions that are driven by data and science;

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## USE AN INCLUSIVE AND EMPOWERING, ALL-OF-GOVERNMENT APPROACH

Our nation's environmental justice policy was developed more than twenty years ago and no longer addresses the needs of the present or future. In order to clean up our communities and provide new opportunities to those that have been disproportionately burdened by pollution and economic and racial inequality, Biden will revise and reinvigorate the 1994 Executive Order 12898 (EO 12898) on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Specifically, Biden will:

- **Establish an Environmental and Climate Justice Division within the U.S. Department of Justice.** Under the Trump Administration, the U.S. Environmental Protection Agency (EPA) has referred the fewest number of criminal anti-pollution cases to the Justice Department (DOJ) in 30 years. Allowing corporations to continue to pollute – affecting the health and safety of both their workers and surrounding communities – without consequences, perpetuates an egregious abuse of power. Biden will direct his EPA and DOJ to pursue these cases to the fullest extent permitted by law and, when needed, seek additional legislation to hold corporate executives personally accountable – including jail time where merited. Going beyond the ambitious proposals that the Biden plan for a clean energy revolution already includes, the Biden Administration will establish a new Environmental and Climate Justice Division within the DOJ, as proposed by Governor Inslee, to complement the work of the Environment and Natural Resources Division. In line with the new Division's mandate, Biden will instruct the Attorney General to: (i) implement, to the extent possible by executive action, Senator Booker's Environmental Justice Act of 2019; (ii) increase enforcement, in line with the commitments already detailed in the Biden Plan; (iii) strategically support ongoing plaintiff-driven climate litigation against polluters; (iv) address legacy pollution that includes real remedies to make communities safe, healthy, and whole; and (v) work hand-in-hand with EPA's Office of Civil Rights.
- **Elevate environmental justice in the federal government and modernize the all-of-government approach.** Currently, the federal government has two key environmental justice groups. Biden will elevate and reestablish the groups as the

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be tasked with developing clear performance metrics to ensure accountability in the implementation of the Executive Order. Once the revised EO is finalized, the White House Environmental Justice Advisory Council and White House Environmental Justice Interagency Council will publish an annual public performance score-card on its implementation.

- **Overhaul the EPA External Civil Rights Compliance Office.** For too long, the EPA External Civil Rights Compliance Office has ignored its requirements under Title VI of the 1964 Civil Rights Act. That will end in the Biden Administration. Biden will overhaul that office and ensure that it brings justice to frontline communities that experience the worst impacts of climate change and fence-line communities that are located adjacent to pollution sources, beginning with the following actions: (i) revisit and rescind EPA's decision in *Select Steel* and its *Angelita C.* settlement, which allowed state environmental agencies to issue dangerous permits, and to conduct its business in a way that harmed communities; (ii) conduct a rulemaking and open a public comment process to seek Americans' input on agency guidance for investigating Title VI Administrative complaints; and (iii) work with Congress to empower communities to bring these cases themselves, by reinstituting a private right of action to sue Title VI, which was written out in the Supreme Court's 2001 decision in *Alexander v. Sandoval*.

## MAKE DECISIONS DRIVEN BY DATA AND SCIENCE

President Trump denies science and disempowers experts in the federal government. Biden will choose science over fiction, ensuring we make data-driven decisions when it comes to environmental justice.

Building on EPA's EJSCREEN tool, developed in the Obama-Biden Administration, and lessons learned at the state level, Biden will charge the newly elevated White House Environmental Justice Interagency Council, in close consultation with the White House Environmental Justice Advisory Council, to create a data-driven Climate and Economic Justice Screening Tool to identify communities threatened by the cumulative impacts of the multiple stresses of climate change,

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- Mandate new monitoring in frontline and fenceline communities.** Biden will ensure that the federal government recommends that each state adequately monitors environmental pollution, including emissions, criteria pollutants, and toxics, in frontline and fenceline communities. This will include installing new monitors where they are lacking to provide accurate and publically-available real-time data. Biden will also create a new environmental public health corps that boosts communities' capacity to use this data meaningfully.
- Require community notification.** In line with Congresswoman Blunt Rochester's Alerting Localities of Environmental Risks and Threats (ALERT) Act, Biden will direct the EPA to create a community notification program requiring "industries producing hazardous and toxic chemicals to engage directly with the community where they are located to ensure residents have real-time knowledge of any toxic release and ensure that communities are engaged in the subsequent remediation plan."
- Establish interagency teams to address targeted issues and partner directly with communities.** Biden will also establish an Interagency Climate Equity Task Force to directly work to resolve the most challenging and persistent existing pockets of climate inequity in frontline vulnerable communities and tribal nations. This work includes addressing the challenge of lack of access to credit and capital for many local governments and small businesses owned by and located in environmental justice communities. Biden will rely on the leadership of these communities to identify what they need most. The Biden Administration will let community leaders lead by investing in community self-determination, marshaling federal resources to support local leaders and organizations, and directly funding capacity building – from critical tools to talent – to arm the creativity of local leaders and help them build back better.

Biden will also:

- Tackle water pollution in a science-based manner.** Biden will focus on improving water quality in a comprehensive way. For example, it is estimated that up to 110 million American's drinking water could be contaminated with PFAS (per- and polyfluoroalkyl substances), a suite of chemicals that cause a host of health

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determination and in partnership with labor, and state, local, and tribal governments. Biden will also help protect rural communities from water and air pollution and make water bills affordable for low-income communities, rural Americans, and tribes through targeted state revolving funds and Rural Utility Service funding for disadvantaged communities.

- **Prioritize strategies and technologies that reduce traditional air pollution in disadvantaged communities.** Biden will direct his Cabinet to prioritize the climate strategies and technologies that most improve public health. He will also direct his Office of Science and Technology Policy to publish a report within 100 days identifying the climate strategies and technologies that will result in the most air and water quality improvements and update analytical tools to ensure that they accurately account for health risk and benefits. Finally, Biden will recommend that every state prioritize emission reductions within the disadvantaged communities identified by the Climate and Economic Justice Screening Tool in their state-level air quality plans.

## **TARGET RESOURCES CONSISTENT WITH THE PRIORITY THAT ENVIRONMENTAL AND CLIMATE JUSTICE REPRESENTS**

The Biden plan already commits to providing low-income and communities of color preference in competitive grant programs. Today, Biden commits to go even further and target 40% of his historic investment in a clean energy revolution to disadvantaged communities. Building on the ambitious New York State [climate law](#), Biden will:

- Target relevant investments with the goal of delivering 40% of the overall benefits from those investments to disadvantaged communities, specifically:
  - Targeting investments made through programs related to clean energy and energy efficiency deployment; clean transit and transportation; affordable and sustainable housing; training and workforce development; remediation and reduction of legacy pollution; and development of critical clean water infrastructure; and

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agencies aimed at eliminating legacy pollution – especially in communities of color, rural and urban low-income communities, and indigenous communities. Biden will also address common challenges faced by disadvantaged communities, such as funds for replacing and remediating lead service lines and lead paint in households, daycares, and schools in order to ensure all communities have access to safe drinking water and wastewater infrastructure. These investments will create good-paying union jobs and help to build infrastructure that is resilient to the impacts of climate change in frontline and fence-line communities.

## **ASSESS AND ADDRESS RISKS TO COMMUNITIES FROM THE NEXT PUBLIC HEALTH EMERGENCY**

As a country, we must do a better job to prepare for and prevent public health emergencies, particularly in communities that have been disproportionately impacted by environmental stressors. The link between climate change and health security is well-documented – climate change creates a growing threat to Americans and hits low-income and communities of color the hardest. We must heed the warning signs from the current pandemic and prepare all communities. Building on The Biden Plan to Combat Coronavirus (COVID-19) and Prepare For Future Global Health Threats, Biden will take the following actions to minimize the impacts of climate change that cannot be avoided:

- **Create a National Crisis Strategy to address climate disasters that prioritizes equitable disaster risk reduction and response.** The Trump Administration's lack of preparedness and failed response to the COVID-19 pandemic has reinforced that the next President must develop a science-based, national climate crisis strategy to support states, tribes, and territories. The next President must ensure the efficient and equitable allocation of disaster risk reduction-related resources and that we build back better after climate-related disasters. Building on Senator Markey's Climate Change Health Protection and Promotion Act, Biden will use a whole-of-government approach to develop a national climate crisis strategy for each type of climate disaster that the National Climate Assessment warns will put Americans at risk (e.g., heat waves, sea level rise, wildfire, air pollution, infectious disease, hurricane, and floods). And, in line with recommendations from the American Lung Association, Biden will provide additional CDC grants to every state and territory to work with their local health departments to develop

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Economic Justice Screening Tool. The Task Force will identify the health impacts of climate change that will pose the largest risk to the most vulnerable populations and work across the Department and with other agencies to use a whole-of-government approach to decrease those risks, including baseline health inequities. In addition, this Task Force will be charged with developing a ready-to-deploy recovery strategy that ensures adequate housing for individuals displaced by climate disasters.

- **Establish an Office of Climate Change and Health Equity at HHS and Launch an Infectious Disease Defense Initiative.** In order to fully prepare for and minimize the impacts of climate change that cannot be avoided, Biden will establish an Office of Climate Change and Health Equity in the Office of the Secretary of HHS, modeled after the Office of AIDS Research that was created in 1983, and invest in surveillance, early-warning systems, and research to decrease climate change and health equity risks. This new HHS Office, in collaboration with the CDC, will partner with the Department of Defense to predict the infectious diseases with the highest probability of being exacerbated by climate change, evaluate their population risk, and work with additional federal agencies to accelerate the development of vaccines or other mitigation measures that reduce the risk to Americans.
- **Improve the resilience of the nation's health care system and workers in the face of natural disasters.** Building on guidelines published in the Obama-Biden Administration, Biden will establish a biennial Health Care System Readiness Task Force, a public-private task force to assess the current state of the nation's health care system resilience to natural disasters and recommend strategies and investments to improve it, which will include participation from the Occupational Safety and Health Administration (OSHA). The evaluation will include an assessment of both physical health care infrastructure and the frontline health care workforce, including opportunities to provide workforce development opportunities in disadvantaged communities. In order to inform the Readiness Task Force, beginning in 2021, the Office of Science and Technology Policy, in coordination with the U.S. Global Change Research Program and the National Security Council will publish a declassified, annual report identifying the type,

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