

Congress of the United States

Washington, DC 20515

June 14, 2024

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan:

I want to first thank the administration for its leadership on the Justice40 Initiative and efforts to increase access to funding for Tribes and underserved communities. I believe this is a critical step in ensuring the communities who have historically been on the frontlines of pollution, racism, and the climate crisis have the resources they need to advance civil rights, environmental justice, and economic justice. However, I am concerned that tribal applicants continue to experience barriers to accessing these programs and funds.

On April 10, 2024, the U.S. Government Accountability Office (GAO) released a report titled, *Justice40: Additional Efforts Needed to Improve Tribal Applicants' Access to Federal Programs under Environmental Justice Initiative*. Within the report, GAO found that many program characteristics, such as eligibility requirements, competition for program access, administrative burdens, cost-share requirements, and statutory and regulatory barriers for programs, have continued to be a barrier for tribal applicants across Justice40 programs within the U.S. Department of Agriculture (USDA), Environmental Protection Agency (EPA), and the Federal Emergency Management Agency (FEMA).

I respectfully urge EPA to take steps to strengthen the Justice40 Initiative by working with GAO to address the following recommendations in a timely matter:

- The Administrator of EPA should ensure that program offices implementing Justice40-covered programs document previously identified statutory and regulatory barriers to access for tribal applicants informing their implementation of the Justice40 Initiative. As a part of this process, the agency should—with input from Tribes—identify any additional changes necessary to address remaining statutory and regulatory barriers and recommend legislative changes where the agency determines appropriate. The agency should make a summary of the results of this process publicly available.
- The Administrator of EPA should ensure that program offices implementing Justice40-covered programs maintain records of related consultations with Tribes and consider—with tribal input—publicly sharing a high-level summary of consultation results, as appropriate, to improve tribal applicants' access to information about tribal input on federal programs and decrease the burden on Tribes and eligible Indigenous communities.
- The Administrator of EPA should ensure that program offices consult with federally recognized Tribes and conduct outreach to eligible Indigenous communities to ensure meaningful involvement when determining benefits for Justice40-covered programs in accordance with Executive Office of the President guidance and determine how to incorporate the input into future Justice40 implementation efforts.

Thank you for your consideration of this issue. I look forward to working with you and your agency to achieve our shared goals.

Sincerely,



Raúl M. Grijalva
Member of Congress
Ranking Member, Committee on
Natural Resources



Frank Pallone, Jr.
Member of Congress
Ranking Member, Committee on
Energy and Commerce

Cc:

The Honorable Brenda Mallory, Chair, Council on Environmental Quality
The Honorable Ali Zaidi, National Climate Advisor, Office of Domestic Climate Policy
The Honorable Shalanda Young, Director, Office of Management and Budget