

House Committee on Natural Resource

Hearing on H.R. 5986 – Environmental Justice for All Act

Testimony of Dr. Mildred McClain

October 1, 2020

Good Morning Chairman Grijalva and Ranking Member Bishop,

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, and environmental justice for frontline communities like ours that have historically suffered the effects of disproportionate exposure to toxins and pollutants.

The “Environmental Justice for All Act” is a promising start to long-overdue legislation aimed at addressing systemic environmental injustices resulting from federal 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. This bill was developed from the ground up, with impacted communities leading and driving the development of the legislation. To address environmental injustice, the process matters. By reaching out to communities and providing opportunities to meaningfully engage in its development, this committee 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 and I think it was 1991 or 1992 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.

NEPA calls for citizen involvement in any type of federal decision making process that may have some impact on the environment, the ecology, the economy, the culture, the health and the ways of the people. NEPA guarantees that residents have the right to participate in the decision-making process and have a voice in where toxic facilities may be sited, how and where roads are built, and who receives the benefits and burdens of critical infrastructure development. Without that tool we would not have been able to: (1) Have a seat at the table (2) Have a voice in the discussion and (3) Be able to influence the outcome of whatever decisions that were going to be made. It allowed us to participate in the analysis as well as mitigation strategies, but more importantly we were able to insist that an environmental justice analysis be done in concert with any environmental impact statement or process that was being conducted by the Savannah River Site. It was the first time in history that black people had a chance to use NEPA to ensure that we played a significant role in the process.

While NEPA is the most widespread mechanism of public involvement in the federal decisions and can lead to better outcomes, the way agencies implement the law often falls short of its stated goal to provide a safe and healthy environment for all people. This bill helps restore the promise of the NEPA process for environmental in justice communities by actually requiring a “community impact report” when there is a possibility a federal action will have negative environmental or health impact on an EJ community.

Again, NEPA gave us the opportunity and the right to participate in the decisionmaking process associated with proposed actions at the Savannah River Site. Without NEPA communities in both Georgia and South Carolina would have been locked out and disenfranchised, leaving our future in the hands of others. Residents have the human right to be fully engaged in activities that will have an impact on the quality of life. The Environmental Justice for All Bill codifies and makes possible the assurance that frontline and fenceline communities will always have a seat at the decision making table.

The EJ4All bill ensures more meaningful public engagement (particularly communities of color, indigenous communities and low wealth neighborhoods) by extending the comment periods and requiring documents be translated into the languages of impacted communities.

Through this comprehensive bill we have the opportunity to take bold steps toward eliminating environmental injustice and ensuring environmental justice for all Americans.

Conclusion:

- The bill ensures that public involvement is indeed meaningful under NEPA.
- Note that the process isn't done.
- Thank you for this opportunity and I look forward to the discussion.