Attorneys General of New York, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, Oregon, Rhode Island, Vermont, Virginia, Washington, Wisconsin, and the District of Columbia

September 14, 2021

The Honorable Tom Carper
Chair, Environment and Public Works Committee
United States Senate
513 Hart Senate Office Building
Washington, DC 20510

The Honorable Peter A. DeFazio
Chair, Transportation and Infrastructure Committee
U.S. House of Representatives
2134 Rayburn House Office Building
Washington, DC 20515

The Honorable Joe Manchin
Chair, Energy and Natural Resources Committee
United States Senate
306 Hart Senate Office Building
Washington, DC 20510

The Honorable Frank Pallone, Jr.
Chair, Energy and Commerce Committee
U.S. House of Representatives
2107 Rayburn House Office Building
Washington, DC 20515

The Honorable Ron Wyden
Chair, Committee on Finance
United States Senate
221 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Richard Neal
Chair, Ways and Means Committee
U.S. House of Representatives
1102 Longworth House Office Building
Washington, DC 20515

Re: Climate Change and Environmental Justice Priorities

Dear Senators Carper, Manchin, and Wyden and Representatives DeFazio, Pallone, and Neal:

Our states—and states across our nation—are enduring an unending series of public safety, health, environmental, and economic disasters fueled by climate change: from extreme heat, wildfires, and droughts to severe storms and catastrophic flooding. The clear and present danger posed by climate change—and the need for immediate and forceful action—is further underscored by the recent report of the Intergovernmental Panel on Climate Change.[1] It is imperative that Congress swiftly respond to our climate crisis by enacting legislation that ensures a rapid transition to a clean energy economy.

As laid bare by recent events, the dire impacts of the climate crisis are most often borne by our low-income communities, communities of color, and Tribal and indigenous communities, as the Environmental Protection Agency found in a

[1] *See* IPCC, C*limate Change 2021: The Physical Science Basis, Summary for Policymakers* (Aug. 7, 2021)*, available at* https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf.

vulnerability assessment issued on September 2.[2] Climate change, one of the most recent environmental harms inflicted upon disadvantaged populations, will expose them to increasing and disproportionate environmental harm and a legacy of poor health. Therefore, it is also critical that Congress take action now to remedy the enduring environmental injustices faced by our low-income communities, communities of color, and Tribal and indigenous communities.

The Senate has already taken a significant step by passing the Infrastructure Investment and Jobs Act. But much more must be done to address the climate crisis, protect public health and power our economy with clean energy, and put our nation on a sustainable and equitable path. Therefore, Congress must pass both the Infrastructure Investment and Jobs Act *and* budget legislation that provides the funding necessary to respond to the climate crisis and provide long overdue environmental justice for our most vulnerable communities.

Below we outline necessary steps for Congress to meet these challenges by fully responding to the climate emergency and prioritizing environmental justice.

Congress Must Fully Respond to the Climate Emergency

Promoting Clean and Renewable Energy

The electricity sector is the second largest source of U.S. greenhouse gas emissions, accounting for 25% of such emissions in 2019.[3] Approximately 60% of electricity in the U.S. is generated by fossil fuels.[4] Therefore, we must rapidly invest in and develop zero-carbon energy sources. Congress should provide utilities with incentives to rapidly transition from fossil-fuel based generation to non-greenhouse gas emitting forms of generation, such as wind and solar.

We support the Clean Energy Payment Program currently under consideration. Enacting this program would incentivize decarbonization of the electricity sector by financially rewarding utilities that meet targets for shifting the profile of the electricity they deliver toward clean and renewable forms of generation.

Our states have shown that we can cut greenhouse gases from the electricity sector while maintaining grid reliability, keeping down electricity costs for consumers, and creating clean energy jobs. For example, eleven eastern states

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[2] *See* EPA, *Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts* (Sept. 2021), available at https://www.epa.gov/cira/social-vulnerability-report.

[3] *See* EPA, *Inventory of U.S. Greenhouse Gas Emissions and Sinks*, *available at* https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks.

[4] *See* U.S. Energy Information Administration, *What is U.S. electricity generation by energy source?*, *available at* https://www.eia.gov/tools/faqs/faq.php?id=427&t=3.

(CT, DE, MD, ME, MA, NH, NJ, NY, RI, VT, and VA) are part of the Regional Greenhouse Gas Initiative. Participating states have reduced power-sector CO_2 emissions by 47% since 2005, while experiencing greater economic growth and lower electricity prices than the rest of the country.[5] In addition, 30 states have renewable portfolio standards, which require that a certain percentage of electricity in those states be generated by renewable energy. Hawaii, for example, enacted a law establishing a 100% renewable energy goal by 2045.[6] The Clean Energy Payment Program could work with state clean energy programs and drive additional greenhouse gas reductions necessary to address the climate crisis.

Congress can further encourage the development of renewable energy by extending production and investment tax credits for solar and wind projects, making standalone energy storage projects eligible for investment tax credits, and funding new and upgraded electricity transmission. Congress should also end fossil-fuel subsidies to cut greenhouse gases and alleviate longstanding pollution harming low-income communities, communities of color, and Tribal and indigenous communities. In significantly scaling up the tools to build a clean energy future, Congress can help create millions of good-paying jobs and help our communities transition to zero-carbon, cost-competitive energy sources.

Congress should also ensure that the transition from fossil fuels to renewable energy is a "just transition" that does not threaten the wellbeing of the citizens and communities that currently rely on fossil fuels jobs and industry. Congress can further this goal by supporting and investing in equitably transitioning fossil fuel workforces and facilities to renewable energy workforces and facilities, and where that is not possible, providing resources to displaced workers and funding the community assistance programs that support them.

Investing in Transportation Electrification

Transportation is the largest greenhouse gas emitter by sector, accounting for 29% of U.S. emissions in 2019.[7] Therefore, electrifying the U.S. transportation fleet is critical to combating climate change. Building adequate infrastructure to support the transportation fleet of the future is fundamental to this progress. Congress should appropriate sufficient funding so that electric vehicle charging stations are conveniently located to benefit all Americans, including along federal rights of way and in rural and overburdened communities.

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[5] Acadia Center, *The Regional Greenhouse Gas Initiative: 10 Years in Review* (Sept. 17, 2019) at 2, available at https://acadiacenter.org/wp-content/uploads/2019/09/Acadia-Center_RGGI_10-Years-in-Review_2019-09-17.pdf.

[6] 2015 HAW. SESS. LAWS § 97 (2015), codified at Haw. Rev. Stat. § 269-92(a) (2021).

[7] *See* EPA, *Fast Facts on Transportation Greenhous Gas Emissions, available at* https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions.

Additionally, Congress should provide tax credits for manufacturing of zero-emission vehicles and incentives for consumers, especially low-income consumers, to purchase zero-emission vehicles, such as point-of-sale rebates for both new and resale electric vehicles.

Encouraging Energy Efficiency and Conservation

Increased energy efficiency and conservation offer complementary strategies to the greater deployment of zero-carbon electricity generation, and we urge Congress to boldly invest in those approaches now.

Energy efficiency is a proven way to cut greenhouse gases, bolster grid reliability, and save consumers money on their utility bills. Twenty-seven states and D.C. have energy efficiency targets for electricity, and nineteen have them for gas. Energy efficiency programs also create local jobs for skilled tradespeople in the clean energy economy.

Congress has an opportunity to invest in energy efficiency programs that will deliver substantial climate and consumer benefits while addressing inequity, including the following opportunities:

- ***Investing in energy efficient schools***. Annual energy consumption costs at K-12 school buildings are approximately $8 billion.[8] Congress should fund grant opportunities that reward schools that demonstrate a willingness to invest in improvements that drive energy efficiencies.

- ***Investing in energy efficient affordable housing***. Owners of affordable rental housing need a stable, long-term funding source to help make their buildings more energy efficient, safe and resilient. Such investments can reduce utility bills, improve tenant health and safety, and ensure buildings are more resilient to extreme weather. These investments can also serve to create jobs and opportunity in many overburdened communities. The Green, Resilient, Efficient and Affordable Homes for Tenants proposal pending in Congress (part of H.R. 4497) would retrofit up to 8 million affordable housing units, creating tens of thousands of jobs for several years while displacing carbon emissions equivalent to 40 million cars being driven for a year.

[8] *See* Department of Energy Better Buildings, *Partnering for the Future: Leadership, Innovation, and Proven Solutions*, *Progress Report 2021*, at 27, *available at* https://betterbuildingssolutioncenter.energy.gov/sites/default/files/attachments/DOE_BBI_2021_Progress_Report.pdf.

Congress should also fund energy conservation, including demand response programs, which reward consumers who reduce energy usage during peak demand.[9] Such programs save consumers money on utility bills and reduce the need for fossil-fueled "peaker" power plants, which emit significant amounts of conventional and carbon pollution and are costly to operate.[10] Peaker plants are also often located in low-income communities, communities of color, and Tribal and indigenous communities.

To that end, Congress could adopt provisions of the Promoting Energy Alternatives is Key to Emissions Reduction Act of 2021 (PEAKER Act), which was introduced in the House and Senate earlier this year (S. 1553/H.R. 3139).[11] That bill would establish a $1 billion grant program at the Department of Energy funded annually for 10 years. Funding could be used to help reduce or eliminate the need for energy generated by peaker plants, including for demand-response and energy efficiency programs.

Funding Zero-Emission School Buses

Approximately 25 million children ride school buses each school day. Emissions from diesel engine buses, which constitute about 95% of the United States school bus fleet, contribute to respiratory illnesses and poor academic performance among children.[12] Research has shown that pollution levels on school buses often is 5-10 times greater than in surrounding areas.[13] Electrifying school bus fleets to eliminate these emissions is a public and environmental health imperative, and school districts across the country have recognized the need for this transition.[14]

The Infrastructure and Investment Jobs Act passed by the Senate appropriates $2.5 billion toward zero-emission school buses and another $2.5 billion in support of school buses that use reduced-carbon fuels. To protect our children's health, Congress should substantially increase funding in the budget legislation

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[9] *See* U.S. Department of Energy, *Demand Response, available at* https://www.energy.gov/oe/activities/technology-development/grid-modernization-and-smart-grid/demand-response.

[10] *See* Rachel Ramirez, *The Drive to Replace Summer-Only 'Peaker' Power Plants*, Wired, *available at* https://www.wired.com/story/the-drive-to-replace-summer-only-peaker-power-plants/.

[11] https://nadler.house.gov/news/documentsingle.aspx?DocumentID=394642.

[12] *See* Wes Austin *et at.*, *School Bus Emissions, Student Health, and Academic Performance*, *available at* https://www.nber.org/system/files/working_papers/w25641/w25641.pdf.

[13] *See* John Wargo, *Children's Exposure to Diesel Exhaust on School Buses*, *available at* https://www.ehhi.org/reports/diesel/dieselintro.pdf.

[14] *See* Electric School Bus Support Letter, *available at* https://uspirg.org/sites/pirg/files/resources/Electric%20School%20Bus%20Local%20Official%20Sign%20On%20Letter_1.pdf.

for zero-emission buses. And consistent with the Biden Administration's Justice40 initiative, at least 40% of annual funding should be used to replace school buses serving environmental justice communities.

Addressing Methane Pollution

Methane is a potent greenhouse gas that is responsible for about a quarter of the global warming we are experiencing today. Substantial reductions in global methane emissions this decade are critical if we are to have a realistic chance of avoiding catastrophic effects of climate change.

Congress took an important step this year when it passed a resolution under the Congressional Review Act restoring EPA limits on methane from oil and gas facilities. Congress should now go further to address methane pollution, including through the following measures:

- ***Methane pollution fee.*** The Methane Emissions Reduction Act of 2021 (S. 645) would assess a fee on methane emitted by oil and gas facilities beginning in 2023, disincentivizing companies from flaring, venting, or failing to promptly deal with methane leaks.

- ***Address methane leaks from gas distribution.*** The distribution system, which consists of piping downstream of "city gates" that bring gas into homes and businesses, is not covered by EPA methane regulations (or the methane fee legislation). But methane emissions from distribution accounts for about 15-20% of methane emissions attributable to the oil and gas sector. Moreover, faulty pipeline infrastructure also poses risks of injury or death to the public.[15] A provision of the CLEAN Future Act of 2021 (H.R. 1512) offers a good step in addressing this problem by establishing a $1.25 billion grant program at DOE to provide financial assistance to states to offset the costs of repairing, maintaining, or replacing leaking distribution pipes that service low-income households.

- ***Cleanup of Abandoned Wells and Unreclaimed Mines.*** Abandoned oil and gas wells in the U.S. are estimated to be the tenth largest source of anthropogenic methane emissions.[16] These wells also can

[15] *See* Amy Mall, *Pipeline Incident Statistics Reveal Significant Danger*, NRDC, https://www.nrdc.org/experts/amy-mall/pipeline-incident-statistics-reveal-significant-dangers.

[16] *See* McGill Newsroom, *Methane Emissions from Abandoned Oil and Gas Wells Underestimated*, *available at* https://www.mcgill.ca/newsroom/channels/news/methane-emissions-abandoned-oil-and-gas-wells-underestimated-327816.

provide pathways for contamination of water supplies.[17] EPA has estimated that there are two million abandoned wells in the U.S. that remain unplugged.[18] Thousands of abandoned wells in the U.S. sit on federal land.[19] Similar to unplugged wells, abandoned mines also emit methane and present environmental hazards.[20] Congress should address this problem by adequately funding plugging and reclamation efforts.

Congress Must Prioritize Environmental Justice

All Americans deserve an equal right to clean air, clean water, and a safe and healthy environment. Our low-income communities, communities of color, and Tribal and indigenous communities are too often are denied these rights, however, enduring disproportionate burdens of pollution, climate change, and other serious health and environmental harms. We must do much more to rectify lingering environmental injustices that afflict our most vulnerable communities.

The Biden Administration has taken significant action to address environmental injustice, including establishing the Justice40 Initiative and promoting a whole-of-government approach to furthering equity.

Many of our states are also aggressively confronting environment injustice. Just to provide a few examples:

- In California, the Attorney General has undertaken a campaign to protect environmental justice communities from the impacts of the proliferation of e-commerce distribution facilities in the state, ensuring that projects proceed as required by the law and incorporate the necessary mitigation to safeguard the health and safety of local residents.
- This year, the Delaware General Assembly passed House Concurrent Resolution No. 40, establishing the "Justice Forty Oversight Committee" of legislators, cabinet secretaries, and others, to study and make

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[17] *See* Nicholas Kusnetz, *Deteriorating Oil and Gas Wells Threaten Drinking Water Across the Country*, Scientific American (Apr. 4, 2011), *available at* https://www.scientificamerican.com/article/deteriorating-oil-gas-wells-threatening-americas-drinking-water/.

[18] *See* EPA, *Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2016: Abandoned Oil and Gas Wells*, *available at* https://www.epa.gov/sites/default/files/2018-04/documents/ghgemissions_abandoned_wells.pdf.

[19] *See* Grant Gardner, *Inactive Oil and Gas Wells on Federal Lands and Minerals: Potential Costs and Conflicts*, *available at* https://www.nwf.org/-/media/Documents/PDFs/Press-Releases/2021/03-17-21_Inactive-Oil-and-Gas-Wells-on-Federal-Lands-and-Minerals-Report.

[20] *See* Pamela Franklin *et al.*, *Proposed Methodology for Estimating Emission Inventories From Abandoned Coal Mines*, available at https://www.epa.gov/sites/default/files/2016-03/documents/methodology_abandoned_coalmines.pdf.

recommendations to the General Assembly and Governor regarding environmental justice matters in the State.

- The New York State Attorney General is pursuing legal actions across the state to end the scourge of childhood lead poisoning by holding accountable landlords that allow lead paint-related hazards to proliferate in their low-income rental properties.
- The Massachusetts Attorney General has launched a Clean Air Initiative including installation of air monitors and enforcement against bus companies for illegal idling in environmental justice communities.
- Washington State's new Healthy Environment For All (HEAL) Act requires state agencies conduct an environmental justice analysis when developing policy, regulations, and programs to maximize benefits and minimize harm for overburdened communities.

To seize this moment of opportunity to achieve the equity long-denied to marginalized and overburdened communities, however, Congress must reinforce and bolster the actions of both the Administration and states by prioritizing substantial further investment in environmental justice. Generally, this means ensuring substantial additional funding to reduce climate change pollution at its source and foster climate resilience; improving critical water quality and drinking water services; increasing access to and investment in clean energy and energy efficiency programs; accelerating electrification of transportation and goods movement; supporting programs that advance workforce development and pollution reduction; and supporting more funding for consistent and efficient emergency management by federal, state, and local government and that improve the health of our communities. These investments should be coupled with provisions that create good-paying, high-quality jobs in historically marginalized communities and commit to domestic manufacturing of clean energy and electric vehicles to support job creation and America's global competitiveness.

We urge Congress to prioritize investment in the following specific areas that, while broadly beneficial to improving the lives of all Americans, are also critical steps in ending the legacy of inequity that shadows our nation's low-income communities, communities of color, and Tribal and indigenous communities:

Ensuring Clean Water for All

Lead Pipe and Service Line Replacement

Currently, residents of up to 10 million homes risk exposure to lead from water that arrives through service lines. [21] The consequences of lead exposure from

[21] *See* The Rockefeller Foundation, *The Race to Eliminate Lead-Contaminated Drinking Water, available at* https://www.rockefellerfoundation.org/case-study/the-race-to-eliminate-lead-contaminated-drinking-water/.

deteriorating water service lines are not felt equally across the population – low-income communities, communities of color, and Tribal and indigenous communities bear a disproportionate burden, as highlighted by the experience of Flint, Michigan.[22] Current lead service line replacement programs are woefully inadequate, particularly with respect to our most vulnerable, as many low-income households are unable to pay to replace service lines, raising health, equity, and environmental justice concerns.

It has been recognized for decades that the benefits of removing lead from drinking water far outweigh its costs.[23] The cost of replacing the lead pipes and service lines in the U.S. that provide drinking water is estimated to range from $28 billion to $47 billion.[24] But the Infrastructure and Investment Jobs Act proposes considerably less – $15 billion – to replace lead service lines.

Congress must ensure that sufficient funding is provided in the budget legislation to replace all lead pipes and service lines in the U.S. and on an expedited basis. Such a commitment is long overdue and vital to ensuring that the health of no child living in America is endangered by lead in their drinking water.

Clean Water Infrastructure

Aging water systems threaten public health in communities nationwide, but low-income communities, communities of color, and Tribal and indigenous communities are disproportionately impacted by contaminated water that results from outdated, inadequate or failing infrastructure. This is due in part to the inability of many ratepayers in these communities to afford increases in water bills necessary to pay for improvements to their water infrastructure systems. Other environmental justice communities have never had systems in place to provide clean and safe water supplies, often similarly due to the lack of financial resources needed to extend existing infrastructure.

While adequate funding for lead pipe and service line replacements should be a top priority, it should not shortchange investments in other water infrastructure needs essential to the health, safety, and environment of our communities – particularly those that have been historically marginalized. Indeed, the 20-year

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[22] *See* Whitehead et al., *Childhood Lead Poisoning: A Perpetual Environmental Justice Issue?* JPHMP, *available at* https://journals.lww.com/jphmp/Abstract/2019/01001/Childhood_Lead_Poisoning__A_Perpetual.19.aspx

[23] *See* Ronnie Levin, *Reducing Lead in Drinking Water: A Benefit Analysis*, EPA, *available at* https://www.epa.gov/environmental-economics/reducing-lead-drinking-water-benefit-analysis-1987.

[24] *See* Brookings, *What Would it Cost to Replace all the Nation's Lead Water Pipes?*, *available at* https://www.brookings.edu/blog/up-front/2021/05/13/what-would-it-cost-to-replace-all-the-nations-lead-water-pipes/.

investment needed to modernize and update the drinking water, stormwater, and wastewater infrastructure in the United States is estimated at $745 billion.[25] We urge Congress to provide substantially increased funding for drinking water, wastewater, and stormwater infrastructure.

Among the many specific needs in this area is the treatment and remediation of PFAS (per- and polyfluoroalkyl substances) contamination in our drinking water and waterways. While we applaud the sizable funding contained in the Infrastructure Investment and Jobs Act, there is an urgent need for additional federal, state, and local funding to keep these highly dangerous and widespread "forever chemicals" out of our communities' water.

Ensuring Clean Air for All

People of color are over 60% more likely than White people to live with unhealthy levels of air pollution, and 3-times more likely to live in counties with the most polluted air.[26] Black people are also 75% more likely to live in "fence-line" communities near commercial facilities that produce air pollution emissions.[27]

As result, low-income communities, communities of color, and Tribal and indigenous communities often disproportionately suffer from the health consequences of air pollution. The disproportionate health burden from air pollution can also result in an economic burden, including more missed days of school and work, and medical costs associated with more hospitalizations and trips to emergency rooms.

Congress should prioritize additional investments in air quality monitoring in the communities and at polluting facilities to identify hotspots, inform local communities and air pollution managers about where poor air quality exists, and to guide actions to reduce pollution burdens. Among other things, Congress should prioritize funding for continuous fence-line monitoring for air toxics, fugitive emissions, and other air pollution at high priority industrial sources, expansion of the national ambient air monitoring network, and deployment of mobile air quality sensors in communities most impacted by air pollution.

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[25] *See* Moore, *Go Back to the Well: States and the Federal Government are Neglecting a Key Funding Source for Water Infrastructure*, Natural Resources Defense Council, *available at* https://www.nrdc.org/sites/default/files/state-revolving-fund-water-infrastructure-ip.pdf

[26] *See* American Lung Association, *'State of the Air' Highlights Need for Environmental Justice*, *available at* https://www.lung.org/blog/sota-2021-highlights.

[27] *See* Aneesh Patnaik et al., *Racial Disparities and Climate Change,* Princeton University, *available at* https://psci.princeton.edu/tips/2020/8/15/racial-disparities-and-climate-change.

Advancing Justice40

Consistent with Executive Order 14,008, we urge Congress to seek to make 40% of improvements funded by the budget legislation benefit overburdened communities. Such directed investments are key to providing environmental and economic justice for our nation's historically marginalized communities.

Additionally, we also support prioritizing funding for the remediation and restoration of Superfund sites in low-income communities, communities of color, and Tribal and indigenous communities. From the waterways of New York to the Hanford Site in central Washington, dangerous legacy pollution sites are ripe for investment that will accelerate cleanup, protect the natural environment, and begin to address persistent environmental injustices.

We further support the creation of a Civilian Climate Corps, with robust funding, to help communities respond to climate change and transition to a clean economy, address the legacy of pollution in frontline communities, and give people in these communities the opportunity to help build their future.

Protecting Community Voice in Government Decisions

As Congress invests in our nation's infrastructure and communities, we must not lose the critical protections for these same communities and our environment by undermining the National Environmental Policy Act (NEPA). Informed decision-making and public participation are not obstacles to infrastructure development; they are critical components of it. A 2014 Government Accountability Office report found that the NEPA process "ultimately saves time and reduces overall project costs by identifying and avoiding problems that may occur in later stages of project development."[28] Unfortunately, however, the infrastructure bill the Senate enacted would limit the quality of NEPA reviews and public participation. We urge Congress not to create detrimental shortcuts for the types of projects that would benefit from comprehensive NEPA review.

Restrictive limits on time and number of pages in NEPA reviews, for example, will not guarantee more expeditious project completion if they result in deficient and rushed analysis unable to withstand judicial review. In contrast, by providing additional resources and coordination among agencies, Congress can facilitate efficient and comprehensive reviews and decrease the likelihood of litigation.

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[28] U.S. Gov't Accountability Office, GAO-14-369, *National Environmental Policy Act: Little Information Exists on NEPA Analyses*, at 16 (2014), https://www.gao.gov/products/gao-14-369 (last visited Sept. 1, 2021).

We are further concerned by expansions of categorical exclusions without full environmental analysis and documentation. As the Council on Environmental Quality (CEQ) has explained, "[i]f used inappropriately, categorical exclusions can thwart NEPA's environmental stewardship goals, by compromising the quality and transparency of agency environmental review and decision making, as well as compromising the opportunity for meaningful public participation and review."[29] We urge Congress not to undermine the important protections provided by NEPA when it finalizes the pending legislation.

* * *

The residents of our states and those across the country face unprecedented safety, health, environmental, and economic harms from increasing climate change. These harms are often most acutely borne by our low-income communities, communities of color, and Tribal and indigenous communities – communities that endure a legacy of environmental injustice. While many of our states are aggressively confronting climate change and environmental justice, we nonetheless depend on Congress to take the strong and decisive action to combat climate change and protect the health and environment of all Americans.

We urge Congress to seize this unique moment of opportunity to enact budget legislation that provides the funding and commitments necessary to respond decisively and forcefully to the ongoing climate crisis, and ensure a cleaner, healthier, and more equitable future for all Americans.

We thank you for your efforts to ensure that we achieve these essential goals.

Sincerely,

LETITIA JAMES
ATTORNEY GENERAL OF
NEW YORK

ROB BONTA
ATTORNEY GENERAL OF CALIFORNIA

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[29] CEQ, Memorandum for Heads of Federal Departments and Agencies: Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act, at 3 (Nov. 23, 2010), 75 Fed. Reg. 75,628, 75,632 (Dec. 6, 2010*); available at* https://storage.googleapis.com/wzukusers/user-26245507/documents/5b22b62749377vHfcVEB/CEQ-Categorical%20Exclusions%20Under%20NEPA.pdf (last visited Sept. 1, 2021); *see also* 42 U.S.C. § 4332(2)(C).

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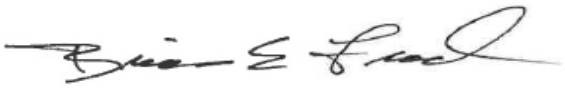

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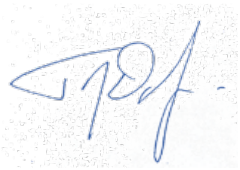

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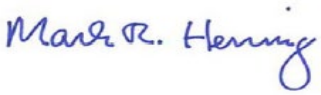
ATTORNEY GENERAL OF VERMONT



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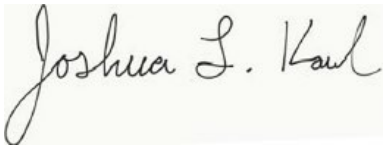

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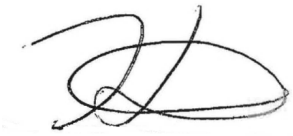

KARL RACINE
ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA

cc: Hon. Charles Schumer, Senate Majority Leader
Hon. Nancy Pelosi, Speaker of the House
Hon. Bernie Sanders, Chair, Senate Committee on the Budget
Hon. John Yarmouth, Chair, House Committee on the Budget