Response to: Interim Framework for Advancing Consideration of Cumulative Impacts | US EPA
Interim Framework for Advancing Consideration of Cumulative Impacts
Comments due: 2/19/25

Thank you for this opportunity to submit comments on EPA's *Interim Framework for Advancing Consideration of Cumulative Impacts*, Moms Clean Air Force would like to express our strong support for the use of robust cumulative impacts assessments in the Environmental Protection Agency's programs and decisions.

MOMS CLEAN AIR FORCE SUPPORTS THE USE OF CUMULATIVE IMPACTS ANALYSIS

- **Cumulative impacts assessments and children's health:** EPA's Interim Framework cites examples of community risk assessments that identified how particular projects/rulemakings would reduce harm to vulnerable communities including children. We strongly support cumulative impacts assessments as a way to understand the potential impacts of environmental projects to children's health. Children, and particularly those living in disproportionately impacted environmental justice communities, are more vulnerable to the impacts of pollution and other environmental hazards for multiple reasons. Their bodies are still developing and they will live with the health impacts of childhood exposure to pollution for longer periods of time than adults exposed to the same pollution. It is critical to maintain impacts assessments that consider and prioritize children's health.
- **Consider all impacted communities:** The draft interim framework asserts that "Analysis of cumulative impacts helps to characterize the potential state of vulnerability, susceptibility, and/or resilience of a community." This includes communities smothered in toxic air pollution, such as greater Houston and the heavily polluted swaths along "Cancer Alley" in Louisiana. It also includes communities in places like Colorado and Pennsylvania that might not be considered historically impacted communities and yet are at high risk of public health impacts from extensive oil and gas developments in these regions. In Burgettstown, Pennsylvania, near where one of our team members lives, within an area of land less than a square mile there are two unconventional well pads, two compressor stations, and two cryogenic plants—both seeking expansion. These facilities are within 1.5 miles of Burgettstown Area Elementary and a youth baseball field and disproportionately impact vulnerable and sensitive communities who are already living with a significant pollution burden from the massive oil and gas operations in the area. Cumulative impacts assessments matter for communities like Burgettstown.
- **Recognize and address unequal impacts:** At the same time, it's critical to acknowledge that there are communities that face past and ongoing disproportionate burdens from pollution and other environmental hazards. In the draft framework, EPA "recognizes cumulative impacts as the totality of exposures to combinations of chemical and nonchemical stressors and their effects on health and quality-of-life outcomes." For example, Tribal communities are not only disproportionately exposed to pollution from industrial projects but also live with the lasting impacts of historical trauma from events like the Indian Removal Act in the 1830s, which forcibly removed tens of thousands of American Indians from their homelands in the southeastern U.S. and led to the deaths of over 10,000 Native Americans. Project 2025, which appears to be the inspiration for many of the new administration's policy efforts, explicitly suggests rewriting regulations that implement the National Environmental Policy Act (NEPA) in such a way that it would ban the use of cumulative impacts analysis. To ban or undermine cumulative impacts

analysis would disproportionately harm communities that have faced extreme harms for generations. We strongly support cumulative impacts assessment as a means to address "disproportionate and adverse human health and environmental effects and hazards, including … cumulative impacts of environmental and other burdens," as this draft framework sets forth.

PUBLIC ENGAGEMENT IS A CRITICAL PART OF THE PROCESS

Meaningful public engagement is an essential part of the cumulative impacts assessment process, and this framework identifies increasing the meaningful engagement with communities as one of its key goals. We advocate for the following strategies as part of public engagement:

- **Engaging community voices at the *beginning* of a project, rather than only later on.** For example, when trying to decide where to site a project, offer opportunities for community members to weigh in early on potential harms to children and other vulnerable populations (e.g., siting a pipeline away from a school or childcare facility).
- **Using multiple modes of communication to engage the public.** Disseminating information in multiple modes (e.g., through announcements on EPA's website, through national and local media channels, through communication with partner organizations) can help inform the public of projects and opportunities for public participation in comment periods.
- **Using culturally competent engagement strategies and communicating with transparency** in all forms of public engagement, to build trust with communities. This could include engagement strategies developed with the input of trusted members of impacted communities.
- **Making public comment opportunities accessible to different languages,** to improve engagement with communities for whom English may not be a first language. Over 43 million people aged 5 and older speak Spanish in the U.S., and offering public comment opportunities in Spanish is an important way to engage this important demographic. Offering translation and interpretation at all stages of public participation processes and collaborating with local media outlets that reach non-English-speaking populations can increase language accessibility of public commenting opportunities.
- **Providing access to public comment hearings virtually (online) and via telephone,** not just in person, to increase the accessibility of participation. For example, allowing public comment to be delivered virtually can increase accessibility for those that can't make it in person. An option for telephone access is also needed to increase accessibility in areas where there is limited internet access.
- **Ensuring that public commenting opportunities are accessible for people with disabilities,** such as visual or hearing impairments.
- **Improving accessibility of commenting** during public hearings to busy individuals (such as working professionals or parents of young children) who may not easily be able to wait for an unspecified time to testify during a long time window. For example, streamlining public comment sessions to include 30-minute time slots would make it easier for many people to participate.
- **Removing the presence of immigration enforcement agencies during public comment hearings**, such as Customs and Border Patrol and Immigration and Customs Enforcement, can help increase accessibility of participation from undocumented persons and mixed-status families.
- **Offering financial support to representatives of impacted communities.** Chemical lobbyists and representatives of polluting industries receive significant remuneration for their public engagement activities, while community members must somehow squeeze

in the time to prepare and deliver comments between jobs, childcare, and cancer treatments. The playing field is grossly unequal.

EPA NEEDS TO TAKE THE NEXT STEP AND TRANSLATE THEORY INTO ACTION

The Interim Framework builds upon what many EPA scientists and external researchers have been saying for years on the recurrent, persistent and systematic patterns of pollution, economic marginalization, and public health vulnerability. The agency's single-pollutant, single-exposure paradigm does not match reality on-the-ground. Communities face harmful chemical and nonchemical exposures that compound and exacerbate longstanding racial and social disparities.

We applaud the EPA for bringing these issues to the fore. We commend the agency for proactive steps to fund cumulative impacts research and to analyze cumulative impacts in certain communities (the report mentions specific community partnerships in Ohio, Illinois, Massachusetts and California). The Appendix adds examples from Wyoming, South Dakota, Alaska, and the Columbia River Basin Tribes. These local initiatives are a good start.
At the same time, **we urge the agency to take the next step and begin to systematically translate this understanding into specific decisions that affect children and their families living in the shadow of toxic polluters.**

The Appendix to the Interim Framework includes National-Scale Rulemakings. This section features the **HON chemical manufacturing rule**, and notes, *"this rulemaking includes an example of a community risk assessment of air toxics emissions from large stationary sources for the purpose of providing information to the public on potential cancer risks from air toxics exposures."*

Moms Clean Air Force was pleased to see EPA's first-ever attempt in a rulemaking exercise to create a community-focused risk analysis, which considers the effects that communities face from air toxics emitted by nearby industrial facilities.

These heavy emitters of toxic air pollution are commonly situated in communities of color and in low-income neighborhoods that are impacted by multiple pollution sources. It is critical to reduce the pollution burden on these most overburdened communities.

The HON rule analysis was a good start—but only a start. We hope that in future the agency will add *non-cancer endpoints* such as miscarriages, birth defects, and neurodevelopmental impacts. We also urge EPA to include other sources of toxic air pollution risk in these communities, such as pollution from roadways and heavy equipment. **Most critically, we urge the EPA to *explicitly link* the risk assessment to the regulatory requirements in the rule.**

EPA's rulemaking documents state that it did not use this community-based risk assessment in making its regulatory decisions. We had urged EPA to explicitly link the new flaring efficiency requirements, leak detection and repair requirements, fenceline monitoring, and other safeguards to the need to protect heavily-exposed people living at the fenceline.

It is time for the agency to do something truly groundbreaking by using this information to set risk-based standards that protect communities from the *multiple* toxic pollution sources they face simultaneously.

The Interim Framework also features the EPA's **Risk Management Program Rule.** The Framework acknowledges that *"While a full cumulative impacts analysis was not conducted, this example rule centers on protecting public health of people in communities disproportionately burdened by proximity to Risk Management Program (RMP) facilities."*

EPA states that the rule is stronger than prior RMP rules, and we agree. That said, we are highly disappointed by how weak the rule remains. The Interim Framework appendix praises the rule for taking proximity into account. Yet even through that specific lens of "proximity," the rule is grossly inadequate. For example,

The RMP rule's 6-mile radius for requestors of information is far too limited, either for chronic, long-term risks from daily exposures or from the acute exposures that come with chemical disasters. Areas of elevated cancer risk can extend much farther than 6 miles. Analysis of data from the 2020 Risk Screening Environmental Indicators (RSEI) model for the excess lifetime cancer risk from cumulative inhalation show elevated cancer risks that extends ~50 miles from the center of facility clusters.

The effects from chemical explosions, fires, leaks, and other disasters can also extend well beyond the 6-mile radius. For example, here is a study of cancers and other effects from the 1984 Bhopal disaster, in which a leak of methyl isocyanate gas (a highly toxic chemical intermediate used in making pesticides) drifted across the region in India. The disaster killed thousands of people at the time of the leak, with tens of thousands more deaths and serious health effects in the decades following. The study shows that people as far as 100 km (62 miles) from Bhopal were harmed.

https://bmjopen.bmj.com/content/bmjopen/13/6/e066733.full.pdf
Long-term health and human capital effects of in utero exposure to an industrial disaster: a spatial difference-in-differences analysis of the Bhopal gas tragedy (June 2023). BMJ Open.

Despite the vast radius of proximity risks, EPA's RMP rule limited the zone of residents who can request information to a six-mile radius. As we emphasized in our comments, 6 miles is an arbitrary cut-off that does not even include all members of the public who are within EPA's *worst-case scenario impact zones.* It disregards the potential health risk of those living outside the 6-mile radius. And it relies on potentially inaccurate locational data supplied by the facilities. In sum, the 6-mile radius is not based in science and fails to protect members of the communities living, working, and going to school or daycare in the vicinity of RMP facilities.

Surprisingly, the Interim Framework omits any mention of the **Toxic Substances Control Act,** despite the EPA's ongoing work in this arena. (See: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/cumulative-risk-assessment-under-toxic-substances) TSCA specifically calls for the use of Best Available Science. This requires EPA to assess both **cumulative risk**—the risk from exposure to multiple chemicals or stressors that are associated with the same health outcomes, and also **aggregate risk**—the risk from exposure to a single chemical from multiple sources and routes.

A recent example is EPA's ongoing review of the human carcinogen vinyl chloride. People working at or living near vinyl chloride production facilities are exposed to vinyl chloride via multiple pathways, and to many chemicals simultaneously. Vinyl chloride production facilities release ethylene dichloride as well as plasticizers, PFAS chemicals, chlorine-based compounds, heavy metals, asbestos, dioxins, and many other toxic chemicals. Stressors such as poverty and systemic racism compound the risk. To assess the risk from vinyl chloride monomer *as if it*

is the only source of harm is to embrace the siloed approach that EPA's Office of Inspector General warned against. (See: https://www.epaoig.gov/reports/audit/epa-needs-further-refine-and-implement-guidance-address-cumulative-impacts-and) Vinyl chloride monomer is like the enabler in a very toxic relationship, and to ignore the injury from combined chemical exposures is to undervalue the massive health and environmental assault faced by communities.

We hope that the agency will soon be able to move more broadly from theory to practice, building on its excellent chart of "Intermediate" outcomes laid out in Figure 4 (p. 31) of the Interim Framework.

- Permitting
- Rulemaking
- Standard Setting
- Enforcement and
- Compliance Assurance
- Priority Setting
- Community Action

As EPA stated in its 2022 Cumulative Impacts Research report, "We need to act with a bias toward action…"

Nice words are not enough.

Cumulative impacts assessment is critical to protecting the health of our children and communities.