Environmental Protection Agency
Submitted electronically:
www.regulations.gov

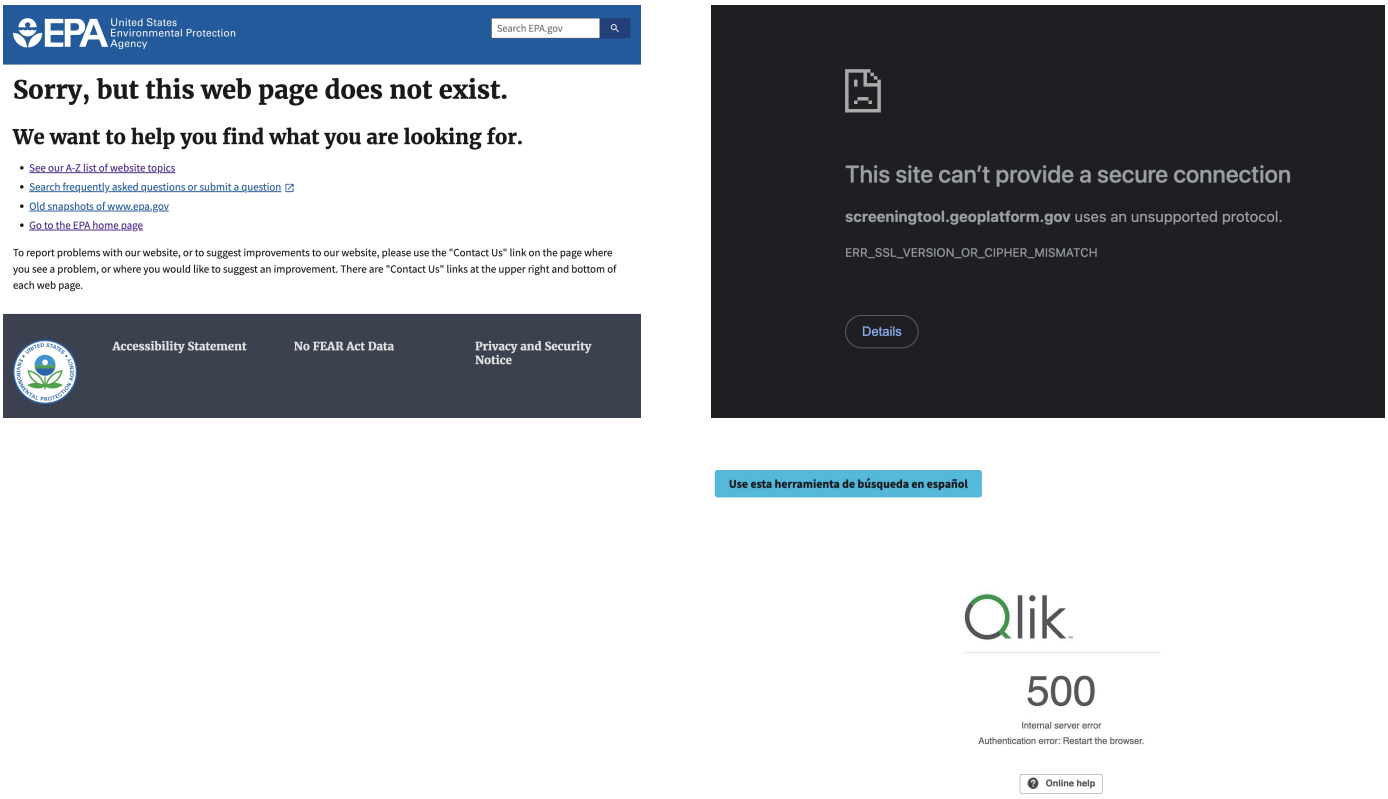
Re: Interim Framework for Advancing Consideration of Cumulative Impacts; Request for Comments
EPA-HQ-OLEM-2024-0360

Fenceline Watch is a community-based organization located in the East End of Houston, Tx dedicated to eradicating multigenerational toxic harm faced by fenceline communities. We thank the EPA for the opportunity to submit comments, along with the 49 undersigned organizations, on Docket ID No. EPA-HQ-OLEM-2024-0360 Interim Framework for Advancing Consideration of Cumulative Impacts

Background /Trump EPA

On February 6th, 2025, new EPA administrator, Trump appointee Lee Zeldin, placed 171 staffers on forced administrative leave in accordance with Executive Order 14151,"Ending Radical And Wasteful Government DEI Programs And Preferencing"[1]. The result was the removal of the 160 EPA staffers comprising the Office of Environmental Justice and External Civil Rights (OEJECR); effectively shuttering environmental justice efforts at the EPA. In conjunction with this move, EJScreen[2], the Toxic Release Inventory Tracker (TRI Tracker)[3], and the Climate and Economic Justice Screening Tool (CEJST) were taken offline. We reached out to the appropriate staff and received an out-of-office response.

[1]https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/
[2] https://ejscreen.epa.gov/
[3]https://edap.epa.gov/public/extensions/TRIToxicsTracker_embedded/TRIToxicsTracker_embedded.html?



Clockwise from left to right: EPA website that formerly hosted EJScreen, White House Council on Environmental Quality website for CEJST tool, EPA Toxic Release Inventory TRI ToxicTracker

These tools are used by communities, advocates, federal agencies, and academics to determine human health impacts, environmental safety issues, toxic exposure, and demographic data, among many other vital data points. No explanation has been given for the removal of these tools, which provide critical information to disproportionately impacted communities, nor has any indication been given when or if they will be restored. The potential closure of OEJECR and the removal of these tools severely limits the information available to the public but also impedes EPA's ability to fulfill its mission of protecting human health and the environment[4].

[4] https://www.epa.gov/aboutepa/our-mission-and-what-we-do

The actions by the Trump administration rips information away from our community about the health of our families and the safety of our neighborhoods, all while putting our most vulnerable at greater risk. Cumulative impact assessments should include meaningful community involvement and the lived experiences of environmental justice community members.
Additionally, the Office of Environmental Justice and External Civil Rights is the office responsible for administering EPA's Language Access Plan, meant to outline necessary steps that the agency needs to take in order to provide meaningful access to individuals with limited English access to EPA programs, activities and service, ensuring compliance of Agency programs with the Civil Rights Act, and making sure community members including those with disabilities have an equal opportunity to be heard in what is permitted in our community. Executive Order 14151 claims to end discriminatory programs that were "illegal and immoral" and targets environmental justice programs in particular, instructing all agency heads, the attorney general, and the director of the Office of Management and Budget to:

"terminate, to the maximum extent allowed by law all DEI, DEIA, and "environmental justice" offices and positions (including but not limited to "Chief Diversity Officer" positions); all "equity action plans," "equity" actions, initiatives, or programs, "equity-related" grants or contracts;"[5].

In no uncertain terms, EO 14151 and the actions taken by EPA, as a result, widen the gulf between those wealthy enough to live far from polluting infrastructure and communities like ours forced to live next to ever-expanding infrastructure: that explodes in the middle of the night, flares regularly, releases noxious chemicals into our communities and homes while we sleep and ultimately illegally trespasses our bodies at times with mutagenic effects impacting generations yet to come. In the short term, it affects our ability to stand, see, and breathe, while chronic exposures manifest in delayed development and shorten lifespans before children take their first breath. The administration's executive order is immoral; it exacerbates the inequalities faced by communities that already suffer threats to their health and safety. Transparency of information requirements established by the Emergency Planning and Community Right-to-Know Act (EPCRA)[6] and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)[7] call into question the legality of the current administration's efforts to scrub the internet of tools designed to provide information to the public.

[5]https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/
[6] https://www.epa.gov/epcra
[7] https://www.epa.gov/superfund/superfund-cercla-overview

The current administration's actions make considering cumulative impacts and implementing EPA's Interim Cumulative Impacts Framework impossible.

On January 22, 2025, Executive Orders 14096, "Revitalizing Our Nation's Commitment to Environmental Justice for All"[8], Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad"[9], and Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities through the Federal Government"[10] were all rescinded[11]. These executive orders provided the foundation upon which federal agencies could consider cumulative impacts and broader issues of environmental justice. §3 (ii) of EO 14096 instructs all federal agencies to:

"*evaluate relevant legal authorities and, as available and appropriate, take steps to address disproportionate and adverse human health and environmental effects (including risks) and hazards unrelated to Federal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns;"*[12]

While §219 of EO 14008 instructs that:

"Agencies shall make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts."[13]

EPA identified the development of a cumulative impact framework as *"Priority action #1"*[14] in its Equity Action Plan[15]; this plan has also been taken offline along with all accompanying websites, links, and resources[16]. Within the Interim Cumulative Impacts Framework itself, both EJScreen and CEJST are cited as examples of tools to be used in methods for assessing

[8]https://eelp.law.harvard.edu/tracker/president-biden-issued-executive-order-14096-to-advance-environmental-justice/
[9]https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad
[10]https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government
[11]https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions/
[12]https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all
[13]https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government
[14] www.epa.gov/system/files/documents/2024-02/epa-2023-equity-action-plan.pdf
[15] www.epa.gov/system/files/documents/2024-02/epa-2023-equity-action-plan.pdf
[16] https://www.epa.gov/environmentaljustice/equity-action-plan

cumulative impacts[17]. Additionally, EPA Office of General Counsel guidances, "EPA Legal Tools to Advance Environmental Justice"[18] and "EPA Legal Tools to Advance Environmental Justice: Cumulative Impacts Addendum"[19] cite EJScreen, CEJST, TRI Tracker as tools the agency can use to expand resource information for disadvantaged communities and aid development of environmental justice analysis. The four-step cumulative impact assessment laid out in the framework advocates for the use of these tools in the "Assessment" phase of the process. With multiple tools being taken offline, operationalizing this portion of the framework[20] is not possible.

EPA's Office of Research and Development report "Cumulative Impacts Research: Recommendations for EPA's Office of Research and Development"[21], which is also referenced in the framework, was put together in part by the now unstaffed OEJECR. The EPA Office of Inspector General report "The EPA Needs to Further Refine and Implement Guidance to Address Cumulative Impacts and Disproportionate Health Effects Across Environmental Programs" notes that OEJECR led the cumulative impacts workgroup which formed around the development of the framework and worked with the national programs as well as regional EPA ej staff[22]. In fact, the point of contact listed for this very comment on the federal register and regulations.gov is listed as OEJECR personnel, a staff member who is currently on forced leave[23].

Cumulative Impact Framework

A profile of some of the most impacted environmental justice communities

Houston is home to a 52-mile stretch of petrochemical facilities that make up the nation's largest petrochemical complex along the Houston Ship Channel. Houston is also the largest metropolitan city that lacks zoning restrictions and buffers. Fenceline Watch actively works with four Ship Channel Communities: Magnolia Park **(Census Tracts 48201311001, 48201311002, 48201310900, and 48201311100)**, Harrisburg & Smith Addition **(Census Tract 48201311400)** and Manchester **(Census Tract 48201324200)**. EPA's EJScreen classifies all tracts as disadvantaged communities. All four communities rank between the 97th-99th percentile nationally for air toxics cancer risk and toxic releases to air. Four of the six census tracts have a socioeconomic value of 42% - 48% with less than a high school education; the remaining two

[17]https://www.epa.gov/newsreleases/epa-announces-new-draft-framework-advance-consideration-cumulative-impacts-communities
[18]https://www.epa.gov/system/files/documents/2022-05/EJ%20Legal%20Tools%20May%202022%20FINAL.pdf
[19]https://www.epa.gov/system/files/documents/2022-12/bh508-Cumulative%20Impacts%20Addendum%20Final%202022-11-28.pdf
[20]https://www.epa.gov/system/files/documents/2024-11/epa-interim-cumulative-impacts-framework-november-2024.pdf
[21]
[22]
[23] https://www.regulations.gov/document/EPA-HQ-OLEM-2024-0360-0001

tracts have a value of 38%. Their low-income value ranges between 46%-60%. When looking at the people of color value in each given tract, they range from 92%-97%. Compared with communities throughout the US, their Limited English Proficient (LEP) percentiles all track from 96%-97%.

Healthcare coverage is even more dismal, with every census tract at the 99th US percentile, meaning only 1% of communities have worse healthcare coverage. Texas is the worst state for healthcare access and affordability. The Texas Legislature's refusal to expand Medicaid support to working poor families makes it one of 10 states that does not provide a health care program for all low-income people. All of these values, and others, are significant to our communities' ability to access resources, limiting their ability to relocate, access critical information, and increase health vulnerability.

Our climate is experiencing rapid changes. Aside from record-breaking high temperatures, droughts, and hurricanes, states like Texas have experienced out-of-the-ordinary natural disasters such as freezing temperatures, stress our power grid and spawning of tornadoes where historically there have not been, and other extreme weather (ie. derechos). Unexpected extreme weather prompted mass power outages and exacerbated chemical disasters. With families one hospital bill away from homelessness, they have little recourse to have funds for relocation. Additionally, there are few regulatory efforts to result in increased weatherization for sensitive infrastructure and growing infrastructure forgoes proper water stress studies prior to authorization, forcing families to absorb on externalized water infrastructure costs.[24] Communities like Corpus Christi, Texas are currently struggling with petrochemical, hydrogen, and tech companies like Tesla are all pulling on dwindling water sources.[25]

Data indicates that LEP communities are uniquely affected by air pollution. Of the approximately 30 million individuals in our state[26], an estimated 10 million speak a language other than English at home[27], with over 3 million Texans being considered LEP individuals[28]. In Harris County, approximately 1 million individuals are considered LEP.

[24] https://www.kristv.com/news/local-news/in-your-neighborhood/corpus-christi/corpus-christi-small-businesses-struggle-amid-water-restrictions-big-industries-of-the-coastal-bend-get-the-lions-share

[25] https://insideclimatenews.org/news/23012025/corpus-christi-launches-emergency-water-projects-as-reservoirs-dwindle-and-industrial-demand-grows/

[26] https://www.texasstandard.org/stories/how-zoning-laws-make-houstons-neighborhoods-more-toxic/

[27] https://www.houstonchronicle.com/business/columnists/tomlinson/article/texas-health-care-ranking-bottom-18171519.php

[28] https://www.lep.gov/node/2971

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But our communities are much more than numbers; they are strong working-class communities with close ties to the land and their neighbors. Residents enjoy fishing in the many bayous around our communities, but unfortunately, community members are advised not to consume the fish they catch because industrial water pollution has rendered fish toxic to human health according to the Texas Health and Human Services Commission. Residents report wanting to hold barbeques and carne asadas but feeling shame bringing guests over to celebrate important life events because the air pollution is so bad and so unpredictable, including flaring events that can go on for days. In summer months, instead of finding reprieve in the evening from the day's heat, residents who waited all day to get outdoors for a walk at one of the many community parks in the area, report feeling like they are drowning when they breathe air laden with pollution that immediately makes their eyes watery and constricts their breathing. There are a total of 10 schools within the four neighborhoods (6 census tracts). Those 10 schools also share locations with 18 sites reporting air pollution to the EPA, 112 water discharge EPA reporting sites, 2 superfunds, 10 hazardous waste/ treatment /storage/and disposal facilities reporting to EPA, and 18 Toxic Release Inventory EPA reporting sites.

Picture of May 5th, 2023 Shell Deer Park Chemicals fire as local school bus drives in front of burning facility

The "Interim Framework for Advancing Consideration of Cumulative Impacts" identifies its key goals as accurately characterizing the realities faced by communities, identifying opportunities for intervention, advancing equity, and increasing meaningful engagement, transparency, and health of disproportionately impacted communities[29].

1. Failure to address EPA OIG recommendations: Unfortunately, the framework falls short in two key areas: it does not address the EPA Office of Inspector General's (OIG) recommendations for a cumulative impact framework, and the framework does not establish how it will be operationalized or establish linkages with other relevant agency guidelines, regulations, and assessments.

In August of 2023, EPA OIG released the report "The EPA Needs to Further Refine and Implement Guidance to Address Cumulative Impacts and Disproportionate Health Effects Across Environmental Programs." The OIG report details how Executive Orders 12898, 13985, and 14008 require specific Agency actions to address cumulative impacts as part of achieving environmental justice; however do not expressly require that programs coordinate to address these impacts and effects across the numerous programs[30] at EPA. The report, however, highlights EO 13985 definition of "equity" to mean consistent, systematic, fair, just, and impartial treatment of all individuals[31], and on that basis, that states:

> *"To address cumulative impacts and disproportionate health effects in a manner that is consistent with the text and intent of the executive orders, strategic and cross-cutting program coordination is essential"*[32]

The report further details a case study from EPA Region 4 highlighting how the lack of a cumulative impact framework that considers impacts across programs led to siloed cumulative impact analysis focused on singular areas such as RCRA, Superfund, Air, and Water programs. OIG's report also addresses recent Agency actions, including the FY 2022–2026 EPA Strategic Plan, specifically Strategic Goal 2 of the plan that directs the Agency to develop and implement

[29]https://www.epa.gov/system/files/documents/2024-11/epa-interim-cumulative-impacts-framework-november-2024.pdf
[30] https://www.epaoig.gov/sites/default/files/reports/2023-08/_epaoig_20230822-23-p-0029.pdf
[31]https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government
[32] https://www.epaoig.gov/sites/default/files/reports/2023-08/_epaoig_20230822-23-p-0029.pdf

a cumulative impacts framework[33] as well as EPA's Equity Action Plan Priority #1 which calls for a comprehensive framework for considering cumulative impacts in relevant EPA decisions[34]. However, the report notes that these still fail to establish guidance for a program cross-cutting approach, stating:

> "*Developing and implementing policies, guidance, and performance measures related to cumulative impacts and disproportionate health effects across programs will increase and improve coordination between the Superfund, Air, RCRA, and Water programs"*[35]

Ultimately, the OIG put forth two recommendations to OEJECR: 1. Increase and improve coordination between EPA programs to assess and address cumulative impacts in Agency decision-making, programs, policies, and activities, and 2. Develop and implement performance measures to monitor progress in identifying and addressing cumulative impacts across EPA programs.

The Interim Framework for Advancing Consideration of Cumulative Impacts does not comprehensively address either of the above recommendations. The framework does not clearly provide a methodology in which cumulative impacts are considered across Agency programs; rather it states:

> "*The EPA is developing comprehensive training programs designed to boost staff fluency and proficiency in cumulative impacts. The training modules will range from foundational to advanced levels, providing staff with approaches and tools needed to operationalize cumulative impacts across various programs"*[36]

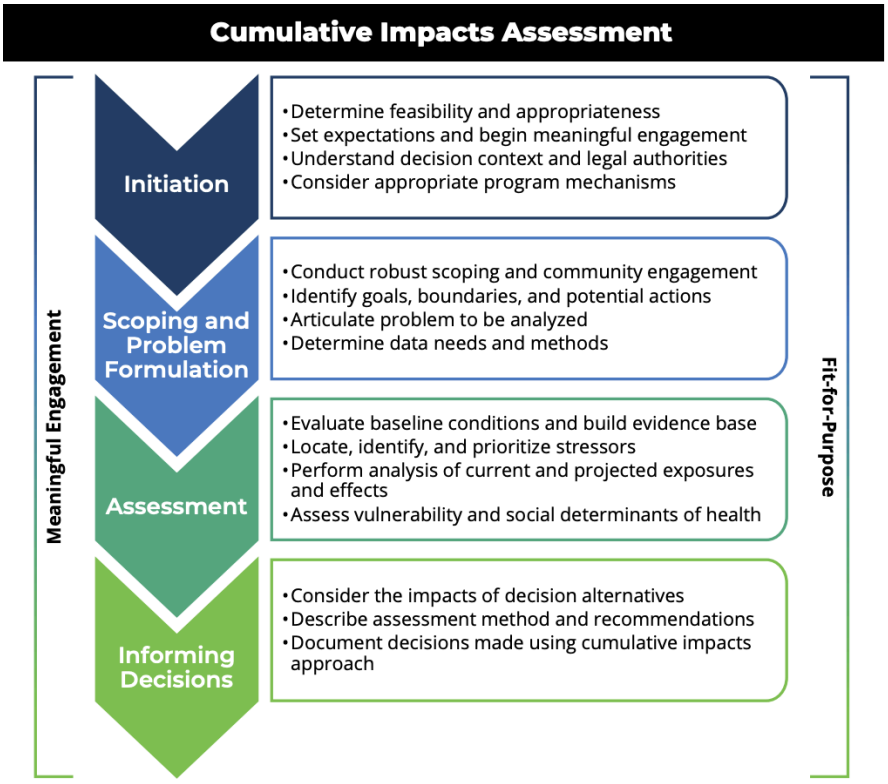
The framework provides no further detail on what these training progams will consist of nor what methodologies will be used to operationalize cumulative impact efforts across various EPA programs. Moreover, the framework stresses that the intent of the document is to serve as a "shared reference point" for programs or regions as they determine how or when to consider cumulative impacts[37]. Further, EPA's framework provides multiple off-ramps to limit or not

[33] https://www.epa.gov/system/files/documents/2022-03/fy-2022-2026-epa-strategic-plan.pdf
[34]https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_EPA_Equity%20Action%20Plan_2022.pdf
[35] https://www.epaoig.gov/sites/default/files/reports/2023-08/_epaoig_20230822-23-p-0029.pdf
[36]https://www.epa.gov/system/files/documents/2024-11/epa-interim-cumulative-impacts-framework-november-2024.pdf
[37]https://www.epa.gov/system/files/documents/2024-11/epa-interim-cumulative-impacts-framework-november-2024.pdf

consider cumulative impacts at all, citing the need for "flexibility," "time, budget, available information, statutory or other legal constraints." **This fails to address OIG's recommendation** and does not provide concrete guidance on how the framework would achieve cumulative impact analysis across Agency programs. Furthermore, if an agency action is unable to consider cumulative impacts, it should provide a written public explanation as to why.

2. Operationalizing framework and linkages with other EPA guidance

Little detail is provided on how the cumulative impact framework would be operationalized. The framework presents a cumulative impacts assessment comprised of a four-step "meaningful engagement" process, which consists of initiation, scoping and problem formulation, assessment, and informing decisions.



Addressing cumulative impacts is key to EPA achieving its mission of protecting human health and the environment

Several deficiencies exist within the framework's proposed assessment process. The initiation phase of the assessment is where "meaningful engagement" with impacted community is to occur; however, within the framework, the "Meaningful Community Engagement" section states that:

"*Approaches used to analyze cumulative impacts can use community engagement in developing a specific tool or method without necessarily engaging communities in applying the tool for decision-making"*[38]

The above condition undermines the spirit of meaningful engagement, essentially engaging impacted frontline, fenceline, and environmental justice communities within the assessment process while leaving the door open to not applying the resulting cumulative impact analysis in the decision-making process.

This highlights a much broader problem with the framework- it **fails to set minimum requirements for the implementation of cumulative impact analysis.** Additionally, the framework seems to provide room for interpretation of what cumulative impacts constitute, stating:

"While the definition of cumulative impacts includes the totality of exposures and their effects on health and quality of life, cumulative impacts assessment does not require identifying, measuring, and quantifying all exposures and effects. Rather, cumulative impacts assessments can be tailored to focus on exposures and effects of greatest relevance to the decision context. In addition, even when a separate cumulative impacts assessment is not conducted, its components can be combined with or integrated into other approaches" [39]

The framework does not require identifying, measuring, or quantifying all exposures and instead advocates for a fit-for-purpose approach; however, the framework does not provide what methodology EPA would use to determine "exposures and effects of greatest relevance" within the framework. Instead, the framework states that cumulative impact assessments share "methodological features" with both risk assessments and cumulative risk assessments however, no clear process is put forth on how or when the proposed cumulative impact assessment would be incorporated into either a risk assessment or cumulative risk assessment.

[38]https://www.epa.gov/system/files/documents/2024-11/epa-interim-cumulative-impacts-framework-november-2024.pdf
[39]https://www.epa.gov/system/files/documents/2024-11/epa-interim-cumulative-impacts-framework-november-2024.pdf

a. Cumulative Impact Assessments and Cumulative Risk Assessments

Cumulative impact assessment is the consideration and characterization of total exposures to both chemical and non-chemical stressors and the interactions of those stressors over time across an affected population[40]. EPA defines cumulative risk assessments as analysis, characterization, and possible quantification of the combined risks to human health or the environment from multiple agents or stressors."[41] Yet, the framework provides little detail on how cumulative impact assessments would work with cumulative risk assessments. Specifically, the framework only posits that cumulative impact assessments can be used to inform cumulative risk assessments; however does not establish guidelines in which it would instruct the Agency to include cumulative impact assessments, if one has been conducted, in a cumulative risk assessment, stating that:

> *"Approaches can be used in combination. Assessors need to exercise judgment in determining when to use cumulative risk assessment, cumulative impacts assessment, or another approach for evaluating exposures to multiple stressors for a specific purpose"*[42]

The framework should provide a stepwise process detailing how cumulative impact assessments and cumulative risk assessments work together. EPA must outline the relationship between cumulative risk and impact assessments to achieve the enhanced coordination across EPA divisions mentioned in the OIG recommendations and expedite existing regulatory processes. In particular, the Office of Chemical Safety and Pollution Prevention is already considering the need for cumulative risk assessments to address the heavy backlog of risk evaluations for existing chemicals. Considering the combined effects of multiple chemical stressors with similar structural properties not only produces faster results, but more accurate ones too, as demonstrated by EPA's ongoing process of evaluating the individual vs cumulative risks of six phthalate chemicals (benzyl butyl phthalate (BBP), dibutyl phthalate (DBP), di(2-ethylhexyl) phthalate(DEHP), diisobutyl phthalate (DIBP), and dicyclohexyl phthalate (DCHP)) under section 6(b) of the Toxic Substances Control Act 2.

[40]https://www.epa.gov/system/files/documents/2022-01/ord-cumulative-impacts-white-paper_externalreviewdraft-_508-tagged_0.pdf
[41]https://www.epa.gov/system/files/documents/2024-11/epa-interim-cumulative-impacts-framework-november-2024.pdf
[42]https://www.epa.gov/system/files/documents/2024-11/epa-interim-cumulative-impacts-framework-november-2024.pdf

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b. Limited English Proficient Guidance, EPA Language Access Plan, EPA Meaningful Involvement Policy

Our community, the Houston Ship Channel, is used in the introduction of the Interim Framework for Advancing Consideration of Cumulative Impacts, meant to highlight the place-based cumulative impacts of disproportionate exposure while highlighting inequalities in air pollution and temperature. We appreciate that EPA included this map to recognize the immense amount of infrastructure and level of cumulative impacts felt by our communities on the Houston Ship Channel.

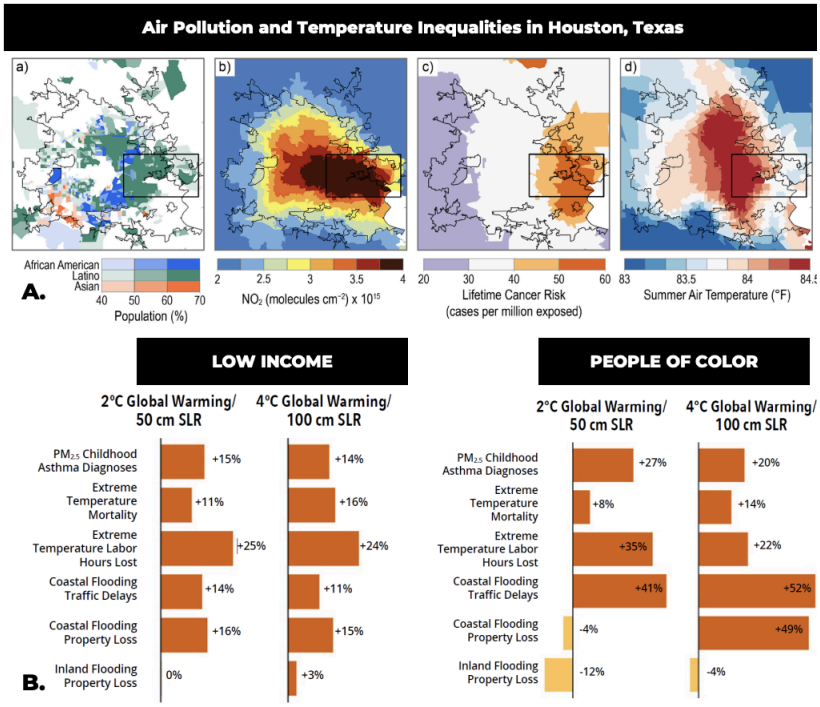

Figure 1. Place-based cumulative impacts include disproportionate exposures to environmental hazards, increased health risks and impacts, and adverse effects on quality of life.

Air Pollution and Temperature Inequalities in Houston chart used in Interim Cumulative Impacts Framework. The cumulative impacts framework should consider the disproportionate impacts felt by limited English proficient populations

Low-income and people of color are listed as communities that are more likely to suffer higher impacts on health and quality of life because of cumulative impacts. However, an

important metric not listed is limited English proficient (LEP) populations, a group that has been proven to experience cumulative impacts at much higher rates than many other populations. A 2019 study found that LEP households have a 101% greater exposure level to PM2.5 emissions on average than households that speak English. Harris County is home to nearly 1 million LEP individuals with Spanish speakers making up over 80% of those considered limited English proficient. The communities of Manchester and Smith Addition rank in the 96th percentile nationally for LEP households, while Magnolia Park ranks in the 97th percentile nationally. All three of these communities are along the Houston Ship Channel. LEP individuals are an especially vulnerable population that faces a number of factors relevant to understanding cumulative impacts. The framework fails to establish congruence with EPA's updated 2023 Language Access Plan[43]. For example, no mention is made of how cumulative impact assessments presented in the proposed framework would incorporate Section 7a,"Language Access Working Group to Assist in Monitoring, Evaluating and Updating LEP Policies" in outreach to ensure "meaningful engagement" in the "Initiation" phase. One of the only mentions of LEP populations in the interim framework is a footnote that includes boilerplate language around nondiscrimination practices in its permitting programs:

"Meaningful involvement also denotes meaningful access for those with limited English proficiency and equal access for persons with disabilities, consistent with the EPA's commitment to nondiscrimination in its permitting programs"[44]

Additionally, while the framework cites EPA's 2023 Meaningful Involvement Policy[45], it does not explicitly describe what steps the framework will take to ensure meaningful involvement and engagement in decision-making and the process itself as it relates to barriers to participation faced by LEP, disabled, and other marginalized groups. The absence of robust and comprehensive incorporation of already existing environmental justice guidances, such as the Language Access Plan, hamper the effectiveness of the proposed framework.

[43]https://www.lep.gov/sites/lep/files/media/document/2023-11/2023%20Enviromental%20Protection%20Agency%20%28EPA%29%20Language%20Access%20Plan.pdf
[44]https://www.epa.gov/system/files/documents/2024-11/epa-interim-cumulative-impacts-framework-november-2024.pdf
[45]https://www.epa.gov/system/files/documents/2023-12/final_meaningful-involvement-policy_eams_11.7.2023_508.pdf

c. National Ambient Air Quality Standards and Initiation of Cumulative Impact Assessment

The framework does not provide a clear process for how the Agency or community can trigger a cumulative impact assessment. We agree with the American Lung Association's comment that a "Cumulative impact assessment is also needed to ensure that the NAAQS meet the Act's "margin of safety" requirement to protect vulnerable…lack of consideration of cumulative impacts of multiple risk factors could likely result in weaker standards of criteria pollutants and run counter to the public health protection metric of primary NAAQS as laid out in the Clean Air Act." The framework states that factors that may initiate the analysis of cumulative impacts include the same conditions that trigger an environmental justice analysis, among other factors. The framework should incorporate the attainment status of National Ambient Air Quality Standards as a determinant for initiating a cumulative impact assessment. This is especially timely, as in January 2025, EPA released Indicators of Environmental Health Disparities[46], which contains the indicator Populations in Monitored Counties Meeting PM2.5[47]; as the FY2022-2026 Strategic Plan stated the goal of assembling a set of indicators of disparities in environmental and public health conditions that would be relevant to informing the agency's work. The Houston-Brazoria-Galveston (HGB) area has not reached compliance with any of the federal Clean Air Act standards within the allotted time, beginning with failure to reach photochemical oxidant standards of the early 1970s, the 1-hour standard put in place in the late 1970's[48], the first 8-hour standard in 1997[49], the 2008 ozone standard[50] which we have been classified as severe nonattainment, and the 2015 ozone standard[51] in which we are in serious non-attainment.

Tropospheric (O3), or ground-level ozone, has been observed to have significant positive associations with increased cardiovascular and respiratory mortality incidences [52]. Short-term exposure to ground-level ozone has been linked to the exacerbation of asthma[53], while long-term exposure is shown to increase the probability of developing chronic obstructive pulmonary

[46] https://www.epa.gov/environmentaljustice/indicators-environmental-health-disparities
[47]https://www.epa.gov/environmentaljustice/indicators-environmental-health-disparities-populations-monitored-counties
[48] https://www3.epa.gov/airquality/greenbook/onca.html#Ozone_1-hr.1990.Houston
[49] https://www3.epa.gov/airquality/greenbook/gbcs.html#TX
[50] https://www3.epa.gov/airquality/greenbook/hncs.html#TX
[51]
[52] Turner, Michelle C., et al. "Long-term ozone exposure and mortality in a large prospective study." *American journal of respiratory and critical care medicine* 193.10 (2016): 1134-1142.
[53] Liu Y, Pan J, Zhang H, Shi C, Li G, Peng Z, Ma J, Zhou Y, Zhang L. Short-Term Exposure to Ambient Air Pollution and Asthma Mortality. Am J Respir Crit Care Med. 2019 Jul 1;200(1):24-32. doi: 10.1164/rccm.201810-1823OC. PMID: 30871339.

disease[54]. A 2021 T.H. Chan Harvard School of Public Health study found that long-term exposure to low levels of ozone pollution in the range of 50 ppm led to increased mortality risk[55]. Ground-level ozone pollution caused by volatile organic compounds and oxides of nitrous has been linked to increased emergency room visits for children under 19 and those 65 and older[56], which the EPA identifies as vulnerable populations. It has been established that minority and lower-resourced communities are disproportionately impacted by air pollution and its associated health outcomes[57]; this finding holds true in Houston. The mortality rates of lung and bronchus cancer in Houston show that minority populations, especially black and Hispanic communities, are disproportionately impacted by the release of particulate matter from chemical manufacturing and industry when compared to white counterparts[58]. Failure to attain status of NAAQS standards should be identified within the framework as a trigger to initiate a cumulative impact assessment. We have made this request in our comments on nonattainment for the 1979, 2008, and 2015 NAAQS ozone standards.

Timely recommencement of established frameworks, research and agency guidance for cumulative impacts and Environmental Justice

Recent moves by the current administration have cast doubt on the implementation of this interim framework and environmental justice efforts at EPA at large. However, consideration of cumulative impacts and the development of cumulative impact processes have been slowed several times over the past two decades, caused by changes in administration, shifting EPA priorities, and duplicative work. The current framework calls for further research despite several guidances having been produced dating back to 2003[59].

The first modern cumulative risk assessment guidance from EPA was first published in May

[54] Shin S, Bai L, Burnett RT, Kwong JC, Hystad P, van Donkelaar A, Lavigne E, Weichenthal S, Copes R, Martin RV, Kopp A, Chen H. Air Pollution as a Risk Factor for Incident Chronic Obstructive Pulmonary Disease and Asthma. A 15-Year Population-based Cohort Study. Am J Respir Crit Care Med. 2021 May 1;203(9):1138-1148. doi: 10.1164/rccm.201909-1744OC. PMID: 33147059.
[55] Long-term effect of exposure to lower concentrations of air pollution on mortality among US Medicare participants and vulnerable subgroups: a doubly-robust approach: Mahdieh Danesh Yazdi,Yan Wang,Qian Di,Weeberb J Requia,Yaguang Wei,Liuhua Shi,Matthew Benjamin Sabath,Francesca Dominici,Brent Coull,John S Evans,Petros, Koutrakis,Joel D Schwartz, Publication: The Lancet Planetary Health, Publisher: Elsevier, Date: October 2021
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[58] Texas cancer registry. (2021). Cancer rates info. Texas department of state health services. http://www.cancer-rates.info/tx/index.

[59] https://www.epa.gov/sites/default/files/2015-02/documents/nejac-cum-risk-rpt-122104.pdf

2003, the Framework for Cumulative Risk Assessment[60]. In December 2004, the National Environmental Justice Advisory Council Cumulative Risks/Impacts Work Group issued the report "Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts" calling for the development of a cumulative risk/impact framework that established research methodologies, community-based processes and strengthened Agency capacity to address the disproportionate impacts faced by environmental justice communities. Twenty-two years later, the proposed Interim Cumulative Impacts Framework calls for much of the same. In that twenty-two-year span, fenceline, frontline, and environmental justice communities here along the Gulf Coast and throughout the country have experienced an explosion of expansion in oil, gas, and petrochemical infrastructure. In 2019, approximately 300 new petrochemical plants were being built in the US [61]. A 2020 study found more than 100 proposed petrochemical projects in the Gulf Coast region alone.[62] Communities along the Houston Ship Channel and environmental justice communities across this nation have been harmed by the start, stop, and abandonment of cumulative impact considerations at EPA. We see in our communities on the Houston Ship Channel, be it after Hurricane Harvey[63], Winter Storm Uri[64], or during our historic heatwaves and droughts[65], climate disasters predicate further chemical disasters and increased toxic exposure in our communities. Had the implementation of cumulative impacts processes been followed through rather than conducting redundant work over the span of two decades, untold harm to human health and the environment could have been averted.

At that point when EPA is once again interested in protecting vulnerable communities from the disproportionate, cumulative impacts felt by fenceline, frontline, Indigenous, rural, and environmental justice communities, it is imperative that they recommence efforts building upon the work already established, including already published guidances, research, methodology, and frameworks. This can only be achieved through the transparency provided by public comments such as this and those of other impacted communities and organizations.

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[61] Kiezebrink et al. (2019) p.11. At present, there are 332 active petrochemical complexes and 837 individual plants at those complexes in the US, with the largest share of petrochemical production concentrated in the Gulf Coast region. See https://rmi.org/insight/emissions-out-the-gate/ , p.21

[62] Waxman, A. et al. (2020) "Emissions in the stream: estimating the greenhouse gas impacts of an oil and gas boom" Environ. Res. Lett. 15 014004, https://iopscience.iop.org/article/10.1088/1748-9326/ab5e6f/pdf p.6

[63] https://www.texastribune.org/2019/12/16/hurricane-harvey-air-pollution-monitoring-epa-report/

[64] https://www.texastribune.org/2024/01/26/texas-pollution-emissions-cold-weather-upsets/

[65]https://www.texastribune.org/2023/07/19/texas-pipeline-heat-natural-gas-emissions-pollution-permian-basin/

We, the undersigned, would again like to thank the EPA for the opportunity to comment on Docket No. Docket ID No. EPA-HQ-OLEM-2024-0360 Interim Framework for Advancing Consideration of Cumulative Impacts.

Respectfully,

Fenceline Watch
Yvette Arellano
Shiv Srivastava

Turtle Island Restoration Network
Elizabeth Purcel

Louisiana Just Recovery Network
Toi Jean Carter

Micah Six Eight Mission
Cynthia Robertson

FracTracker Alliance
Ted Auch

Beyond Plastics
Judith Enck

McKean County Green Party
Barbara Laxon

The Last Plastic Straw
Jackie Nuñez

FreshWater Accountability Project
Lea Harper

Save Our People Plants and Planet (SOPPP)
Rosemary Green

Plastic Pollution Coalition
Dianna Cohen

Plastic Solutions Fund
Emy Rodriguez

Breathe Easy Susquehanna County
Rebecca Roter

No False Climate Solutions PA
Karen Elias

MN350
Tee McClenty

Bucks Environmental Action
Sharon Furlong

Cherokee Concerned Citizens
Barbara Weckesser

Jean-Michel Cousteaus's Ocean Futures Society
Ruben D.Arvizu

López-Wagner Strategies
Betsy López-Wagner

Physicians for Social Responsibility Pennsylvania
Tonyehn Verkitus

Elders Climate Action Twin Cities
Kathryn Ringham

Friends of the Earth
Paloma Henriques

Bend the Curve
Michael Belliveau

Between the Waters
Peggy Ann Berry

Our Zero Waste Future
Dante Davidson-Swinton

Plastic Free Future
Alejandra Warren

Beyond Plastics Greater Boston
Eileen Elizabeth Ryan

EARTHDAY.ORG
Aminah Taariq-Sidibe

Alaska Community Action on Toxics
Pamela Miller

People Over Petro Coalition
Cheryl Johncox

Healthy Gulf
Scott Eustis

Eureka Recycling
Lucy Mullany

Better Path Coalition
Karen Feridun

Pacific Environment
Kristen McDonald

Azul
Marce Gutierrez-Graudins

Minnesota Zero Waste Coalition
Lucy Mullany

The Ocean Foundation
Erica Nuñez

Just Zero
Kirstie Pecci

GAIA - Global Alliance for Incinerator Alternatives
Jessica Roff

Greenpeace USA
Lisa Ramsden

Texas Campaign for the Environment
Robin Schneider
Jeffrey Jacoby

Californians Against Waste
Nick Lapis

Breathe Free Detroit
KT Morelli

Concerned Health Professionals of Pennsylvania
Barbara Brandom

Zero Waste Ithaca
Yayoi Koizumi

Air Alliance Houston
Jennifer Hadayia

Alliance for Mission-Based Recycling (AMBR)
Lucy Mullany

Responsible Alpha
Gabriel Thoumi

North Braddock Residents For Our Future
Edith Abeyta

GreenLatinos
Irene Burga