Joint Public Comment Submitted by 48 Organizations in Response to the U.S. EPA's "Interim Framework for Advancing Consideration of Cumulative Impacts"
Docket ID No. EPA-HQ-OLEM-2024-0360

Submitted on February 19, 2025 via Regulations.gov

Dear Administrator Zeldin,

The Coming Clean Network's Cumulative Impacts/Mandatory Emissions Reduction (CI/MER) Team works to ensure assessment of cumulative impacts, and adoption and effective implementation of policies to reduce and eliminate them through mandatory emission reductions and requiring safer substitutes.[1] All communities face threats from multiple chemicals from multiple sources, yet there is decades of evidence that communities of color and low-income communities experience these stressors and burdens at higher levels. To support environmental justice leaders who are driving the use of cumulative impacts methodologies to ensure protections from chemicals and toxic pollution, we recently published *The Community Guide to Cumulative Impacts*.[2] Similarly, we support community-centered work, such as that proposed in the "Interim Framework for Advancing Consideration of Cumulative Impacts" (hereafter "interim framework").[3] This type of work involves multiple units of government coordinating programs to provide more efficient and protective services to overburdened communities. Moreover, when health and environmental protections are developed and implemented to protect the most overburdened communities, everyone is simultaneously protected. For all of these reasons, we support cumulative impacts reduction work and are appreciative of EPA's interim framework.

The CI/MER Team has read the interim framework carefully to gain understanding of how states, local governments, and community-based organizations could use it to assess and address cumulative impacts in the future. We have reviewed and commented on earlier guidance documents related to cumulative risk assessment, including the Planning and Problem Formulation Guidance, and find that this Interim Framework is more useful because it frames how all of this work and these assessments can be brought together in a coordinated manner. We are providing comments so that groups outside of EPA have access to our recommendations and expertise around cumulative impacts, and the ways we envision that this work could be protective and successful.

In our Team's history, we have called on the EPA to use its existing authority to address cumulative impacts and risks. EPA has been voicing its intention to consider cumulative

[1] Home — Coming Clean, Inc. and Cumulative Impacts and Mandatory Emissions Reductions Team — Coming Clean, Inc..

[2] The Community Guide to Cumulative Impacts — Coming Clean, Inc.

[3] US EPA. Interim Framework for Advancing Consideration of Cumulative Impacts. December 2024. Document Number 2024-27063 (89 **Federal Register** 92125), https://www.epa.gov/cumulative-impacts/interim-framework-advancing-consideration-cumulative-impacts (accessed Feb 4, 2025).

impacts and risk for nearly thirty years, but its actions have not matched its rhetoric. This nearly thirty-year effort through several administrations has been characterized by repeated expressions of urgent need, followed by limited or no action. There is urgency in addressing the cumulative impacts experienced by overburdened communities, and EPA's ongoing incrementalist approach does not provide adequate health or environmental protection. In many aspects of environmental law, as described in the EPA Environmental Justice Legal Tools Cumulative Impacts Addendum, EPA has a great deal of regulatory authority to assess and address cumulative impacts. Yet, there are many instances where those authorities could be used more broadly and where EPA could make cumulative impact assessment a requirement.

We would especially like to lift up advancements toward health benefits that reach all communities. The executive orders, the CDC Environmental Justice Index, and the two EPA Equity Action plans listed below have been rescinded by the current administration which puts the health of many Americans in jeopardy. Yet some of this work remains useful for states, local governments and communities, and many organizations have saved valuable work such as this for use therein (e.g. Common Crawl Foundation, Environmental Data and Governance Initiative (EDGI), Internet Archive, Stanford University Libraries, and University of North Texas Libraries, Public Environmental Health Data Project). The series of executive orders, equity action plans, and mapping and screening tools included below push our health and environmental protection system closer to protecting everybody and reflecting the lived experiences of overburdened communities. We strongly recommend that the EPA continue developing equity action plans to address the long-standing inequities in protection between communities of color and low-wealth communities and their counterparts. The EPA equity action plan from 2022 gave this interim framework the needed push to completion, and we strongly support furthering strategic planning that is inclusive of the evidence-based work of environmental justice.

As noted above, important orders, plans, and tools that support addressing cumulative impacts include:

- President Biden's Executive Order 13985 (2021) on *Advancing Racial Equity and Support for Underserved Communities*[4]*;*
- President Biden's Executive Order 14008 (2021) on *Tackling the Climate Crisis at Home and Abroad*[5];

[4] Biden, President Joseph R., (January 20, 2021). *Executive Order 13985, Advancing racial equity and support for underserved communities throughout the federal government.* https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf

[5] Biden, President Joseph R. (February 1 2021). *Executive Order 14008, Tackling the climate crisis at home and abroad.* https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad

- EJScreen - EPA's environmental justice mapping and screening tool that provided EPA with a nationally consistent dataset and approach for combining environmental and socioeconomic indicators[6];
- Environmental Justice Index (EJI) - the first national, place-based tool designed to measure the cumulative impacts of environmental burden through the lens of human health and health equity. Can be used to identify and prioritize areas that may require special attention or additional resources to improve health and health equity, educate and inform the public about their community, analyze the factors driving cumulative impacts to inform decision making, and establish goals and measure progress towards environmental justice and health equity.[7]
- EPA Equity Action Plan (2022) - directives to "develop a comprehensive framework for considering cumulative impact in relevant EPA decisions and operationalize that framework in EPA's programs and activities."[8]
- *Cumulative Impacts Research: Recommendations for EPA's Office of Research and Development* (2022)[9];
- President Biden's Executive Order 14096 (2023) on *Revitalizing Our Nation's Commitment to Environmental Justice for All* in April 2023[10];
- EPA Equity Action Plan (2023) - highlighted the importance of heat in addressing cumulative impacts[11];
- 2024 Evaluating Non-chemical Stressors for Children's Environmental Health Protection: Workshop summary.[12]

Actions to reduce pollution and improve environmental quality in the US since 1970 have generated significant health benefits for the American people, including reductions in deaths and rates of disease. Decreasing air and water pollution, improving drinking

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[6] U.S. EPA. EJ Screen. https://www.epa.gov/ejscreen

[7] US Health and Human Services. *Environmental Justice Index (EJI).* https://www.hhs.gov/climate-change-health-equity-environmental-justice/environmental-justice/index/index.html

[8] U.S. EPA. (April 2022). *Executive Order 13985, Equity Action Plan*. https://www.epa.gov/system/files/documents/2022-04/epa_equityactionplan_april2022_508.pdf

[9] U.S. EPA. (2022). *Cumulative impacts research: Recommendations for EPA's Office of Research and Development.* https://cfpub.epa.gov/si/si_public_record_report.cfm?dirEntryId=357832&Lab=ORD&simplesearch=0&showcriteria=2&sortby=pubDate&searchall=357832&timstype=&datebeginpublishedpresented=05/17/2021

[10] Biden, President Joseph R. (April 26, 2023). *Executive Order 14096, Revitalizing our nation's commitment to environmental justice for all.* https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all

[11] Biden, President Joseph R. (April 26, 2023). *Executive Order 14096, Revitalizing our nation's commitment to environmental justice for all.* https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all

[12] Tulve, N.,et al. (May 2024). *Evaluating non-chemical stressors for children's environmental health protection: Workshop summary.* U.S. Environmental Protection Agency, Washington, DC. https://cfpub.epa.gov/si/si_public_record_Report.cfm?dirEntryId=361461&Lab=CPHEA

water safety, removing contaminants and remediating toxic sites, and better managing wastes have all contributed.

However, gaps remain. Not everyone has seen improvements in health and environmental quality, and some communities face more and worse harms than they did fifty years ago. There are areas and communities that have been left behind, for a variety of reasons. Such holes and gaps need to be addressed. Moreover, new challenges are arising. These can result from new materials or processes or products. They also arise from changing conditions, such as ubiquitous distribution of persistent plastics and PFAS. Continued attention and action will always be needed. Many have worked to envision solutions to fill holes and gaps in existing approaches and to identify and address new challenges, and these efforts are valuable.

The Interim Framework pulls together information and approaches that can help EPA and its partners, as well as others, meet these critical challenges. It covers one of the major gaps for health and environmental protection in the US, to address the greater burdens of pollution (and other stressors) that exist in some areas and some communities – especially communities of color and low-income communities. These multiple stressors, pollution sources, and other factors that contribute to adverse outcomes are referred to as “cumulative impacts.”

The Interim Framework explains how EPA can draw on its resources and knowledge, as well as engage with groups and individuals in highly impacted communities and areas. To consider such steps is an important advance for EPA, bringing it closer to the current state of the science in the field of environmental health and addressing long-standing concerns from communities with excess burdens.

This document is a draft and, like most things, can be improved. The best way to improve a document like this is to use the methods, including a reliance on lived experience and community validation, and learn from and adapt to the results. In any evolving area, an interaction between theory and practice advances the work most efficiently. This work will need to carry on into the future. The groundwork has been laid for this and should be supported and implemented.

Not considering cumulative impacts is ignoring reality. It is a well-documented fact that many communities are exposed to multiple chemicals and hazards from different sources of toxic pollution, exposed to the same chemical from multiple sources, and additionally exposed through consumer products and building materials. Yet most EPA rules, policies, and practices fail to account for this reality. Permits are not properly limited, conditioned or denied to reflect additions of pollution from surrounding sources. Rules under the Toxic Substance Control Act do not properly consider harm to ‘*potentially exposed or susceptible sub-populations*’. The lead National Ambient Air Quality Standard does not include consideration for atmospheric deposition of lead and subsequent ingestion pathways. Multiple governmental agencies do not act efficiently in a whole-of-government approach to address all impacts and exposures, and rather implement programs in disconnected siloes.

Assessments must be rooted in the lived experience of communities and not rely on artificial intelligence or other less rigorous methods that do not reflect historical findings and real-life exposures. Moreover, community validation of methods and data are necessary to ensure their accuracy and applicability (that include both mixed methods and statistical analyses). Community validation methods should be undertaken in partnership with disproportionately impacted communities. The analyses should also include chemical and non-chemical stressors, public health, environmental and sociodemographic factors aggregated in a way that reflects the lived experience of impacted communities. Sensitivity and uncertainty analyses should also be undertaken to avoid underestimating risk.[13]

These comments focus largely on redressing limitations of current health and environmental protection efforts in and for environmental justice communities. This is an important emphasis, as we know that environmental factors – and government policy choices – contribute to health disparities.

EPA could go further to examine how its media-based programs and authorities could also be adjusted to address holes and gaps, including areas and communities with undue burdens. The fundamental architecture of environmental protection was conceptualized decades ago, before the great advances in technologies and methods of all kinds. This was the era of phones that you dialed. Since then, everything has changed, including better, faster, infinitely cheaper data capacities of all kinds. Yet, many things are being done as before. Moreover, EPA continues to fall further behind in its fundamental scientific competence in assessing and managing chemical agents and reliance on lists of substances adopted literally decades ago. A commitment to science is needed at the agency more broadly in this area.

Cumulative impacts programs, assessments, and consideration in regulations are an evolution of health and environmental protection that is sorely needed. It reflects science and the lived experiences of overburdened communities. We strongly urge EPA to continue its work to assess and reduce cumulative impacts, thereby improving the lives and health of disproportionately impacted communities, and in fact, all Americans.

Respectfully submitted with hope for health and justice for all,

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Anchorage, Alaska

Alianza Nacional de Campesinas, Inc.
National

Alliance of Nurses for Healthy Environments (ANHE)
National

Bend the Curve
National

Breast Cancer Prevention Partners
HQ San Francisco, national

[13] National Academies of Sciences, Engineering, and Medicine. 2024. *Constructing Valid Geospatial Tools for Environmental Justice*. Washington, DC: The National Academies Press. https://doi.org/10.17226/27317.

Center for Food Safety
National

Center for Progressive Reform
National

Clean+Healthy
New York, statewide organization

Coming Clean network
National

Earthjustice
National

Ecology Center
Ann Arbor, Michigan

Environmental & Public Health Consulting
National/International

Environmental Data & Governance Initiative
National

Environmental Transformation Movement of Flint
Flint, Michigan

Family Farm Defenders
National

Farmworker Association of Florida
Apopka, Florida

Habitable
National

Interfaith Council for Peace and Justice
Washtenaw County, Michigan

Lake County EJ Coalition
Waukegan, Illinois

Learning Disabilities Association of America

Learning Disabilities Association of Alabama

Learning Disabilities Association of Arkansas

Learning Disabilities Association of Delaware

Learning Disabilities Association of Georgia

Learning Disabilities Association of Illinois

Learning Disabilities Association of Iowa

Learning Disabilities Association of Maine

Learning Disabilities Association of Michigan

Learning Disabilities Association of Minnesota

Learning Disabilities Association of New Jersey

Learning Disabilities Association of New York State

Learning Disabilities Association of Oklahoma

Learning Disabilities Association of South Carolina

Learning Disabilities Association of Texas

Learning Disabilities Association of Utah

Learning Disabilities Association of Virginia

Learning Disabilities Association of Wisconsin

Los Jardines Institute
Albuquerque, New Mexico

Moms for a Nontoxic New York (MNNY)
Schenectady, New York, statewide

National Wildlife Federation
National

Pesticide Action and Agroecology Network

RiSE for Environmental Justice
Kansas City-Midwest, KS/MO

Science and Community Action Network
National / Midwest

Sierra Club
National

Texas Campaign for the Environment
Texas, statewide

Texas Environmental Justice Advocacy Services
Houston, Texas

Union of Concerned Scientists
National

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