DATE: February 19, 2025

TO: Administrator Lee Zeldin, U.S. Environmental Protection Agency

FROM: GreenLatinos and WE ACT for Environmental Justice

SUBJECT: Interim Framework for Advancing Consideration of Cumulative Impacts (Docket ID No. EPA-HQ-OLEM-2024-0360)

GreenLatinos and WE ACT for Environmental Justice ("WE ACT") are pleased to submit public comment on the *EPA's Interim Framework for Advancing Consideration of Cumulative Impacts.* We commend the EPA's commitment to addressing this issue, which is essential to protecting public health and advancing equitable environmental outcomes for disproportionately burdened communities.

As an active community of 1,431 Latine members from across the United States, GreenLatinos is dedicated to advancing environmental justice and equity for the Latine community. Our mission is to ensure that equitable environmental outcomes principles are embedded at all levels of governmental policies. We envision a future where all communities are free from disproportionate environmental burdens, free to breathe clean air, drink pure water, access clean transportation, and enjoy our majestic public lands, oceans, and waters. As an organization rooted in the lived experiences of frontline communities who suffer from cumulative impacts, we work to amplify the voices of those most impacted by environmental inequities.

WE ACT is an environmental justice advocacy nonprofit with a headquarters in West Harlem and a Federal Policy Office in Washington DC. Our mission is to build healthy communities by ensuring that people of color and/or low-income residents participate meaningfully in the creation of environmental health and protection policies and practices. Since its founding in 1988, WE ACT has worked to serve environmental justice communities in New York and across the country which have been and continue to be adversely affected by harmful infrastructure, pollution, and the inequitable enforcement of environmental laws. WE ACT is also the convener of the Environmental Justice Leadership Forum (EJLF), a nationwide coalition of over 40 environmental justice organizations.

GreenLatinos and WE ACT strongly support the EPA's decision to incorporate cumulative impacts into its regulatory and policy framework. This step represents a crucial acknowledgment

of the interconnected and compounding factors contributing to environmental injustices, particularly for low-income communities and communities of color. By addressing these overlapping environmental, health, and socioeconomic burdens, the EPA is taking an essential step toward ensuring that policies and regulations reflect the realities of historically underserved communities.

To that end, our comments emphasize the key tenets of environmental justice and advocacy priorities outlined in the Latino Climate Justice Framework (LCJF).[1] The LCJF is a comprehensive blueprint designed to guide decision-makers and historically underserved communities in advancing equitable environmental policy solutions Developed through an extensive multiyear process of partner and community input, the first edition launched in October 2022 in collaboration with 22 Latine-serving partner organizations. In October 2024, we released the second edition of LCJF, reflecting the continued commitment to advance the priorities of nearly 2,000 individuals and/or organizations who have endorsed the LCJF.

The LCJF is laid on the foundation of the Environmental Justice Principles,[2] which was established at the First National People of Color Environmental Leadership Summit held in 1991. The principles speak to cumulative impacts by focusing on recognizing and addressing the combined effects of multiple environmental and non-environmental stressors on communities. They emphasize the need to consider the totality of exposures and their effects on health and quality of life outcomes, including factors such as pollution, socioeconomics, culture, and other social determinants of health.

Addressing cumulative impacts is a key to addressing environmental justice. Through this work, the EPA has an opportunity to ensure that environmental, socioeconomic, and health factors are contributing to the betterment of all communities across the United States.

Cumulative Impacts Disproportionately Affect Communities of Color

Communities of color face numerous climate-related issues, from extreme heat affecting outdoor workers and poor air quality in neighborhoods near industrial facilities to increased vulnerability to natural disasters like hurricanes, floods, and wildfires. As such, cumulative impacts—the combined effects of multiple environmental, health, and socioeconomic stressors over time—are often most severe in communities historically burdened by systemic inequities. For example, residents in these areas frequently live closer to polluting industries, endure higher exposure to hazardous substances, and face barriers to accessing healthcare and other resources that mitigate environmental risks.[3]

[1] Latino Climate Justice Framework, 2022; Found at: https://www.lcjf.greenlatinos.org/
[2] The Principles of Environmental Justice, 1991; https://www.ejnet.org/ej/principles.pdf
[3] Banzhaf, S., Ma, L., & Timmins, C. Environmental Justice: The Economics of Race, Place, and Pollution; Found at: https://www.jstor.org/stable/26566983

A WE ACT analysis of communities identified as "disadvantaged" by the Biden administration's Justice40 program[4] revealed the extent to which communities of color face higher levels of cumulative environmental and economic burdens. The Justice40 initiative aimed to ensure that 40% of the total benefits from specific federal investments—spanning climate, clean energy, affordable and sustainable housing, and more—reach disadvantaged communities that have historically faced underinvestment and disproportionate pollution burdens. According to WE ACT's analysis, white communities were far more likely to live in census tracts with fewer issues while Black and Latine communities were typically located in areas that displayed economic issues and multiple elements of pollution.[5] In fact, racial disparities in cumulative impacts exposure have been identified in analysis of multiple datasets including the US Council of Environmental Quality's Climate and Economic Justice Screening Tool (CEJST), CalEnviroScreen, New York State Disadvantaged Communities criteria, and others.[6,7] The persistence of this relationship is robust evidence that communities of color experience disproportionate cumulative burdens.

Numerous studies have shown that race is the most influential factor in determining the mortality risk from air pollution as it leads to higher exposure to pollution and its effects are heightened by factors such as poverty, existing health conditions, and poor availability of healthcare and healthy housing.[8,9,10] Therefore, tackling cumulative impacts is a matter of equitable environmental outcomes and a significant public health priority. Studies have consistently shown that exposure to multiple pollutants exacerbates health conditions such as asthma, cardiovascular disease, and cancer. This is particularly relevant for low-income and communities of color, where children and families disproportionately face these health risks.

According to the American Lung Association's 2024 State of the Air Report, overall people of color are 2.3 times more likely than white people to live in a county with failing grades for ozone and fine particulate matter (PM2.5) pollution.[11] For instance, over 1 in 3 Latines in the U.S. live

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[4] White House,Justice40: A Whole of Government Initiative, https://bidenwhitehouse.archives.gov/environmentaljustice/justice40/

[5] WE ACT urges prioritization of communities shouldering largest environmental and economic burdens, https://www.weact.org/we-act-urges-prioritization-of-communities-shouldering-largest-environmental-and-economic-burdens/

[6] Lara Cashing et al. (2015),Racial/Ethnic Disparities in Cumulative Environmental Health Impacts in California: Evidence from a Statewide Environmental Justice Screening Tool (CalEnviroScreen 1.1), American Journal of Public Health 105, 2341_2348,: https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2015.302643

[7] New York State Disadvantaged Communities Criteria, Found at: https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria

[8] Geldsetzer, P., Fridljand, D., Kiang, M.V. et al. (2024), Disparities in air pollution attributable mortality in the US population by race/ethnicity and sociodemographic factors. Nat Med 30, 2821–2829, https://www.nature.com/articles/s41591-024-03117-0

[9] Christopher W. Tessum et al. (2021), PM2.5 polluters disproportionately and systemically affect people of color in the United States.Sci. Adv.7,eabf4491, https://www.science.org/doi/10.1126/sciadv.abf4491

[10] Jbaily, A., Zhou, X., Liu, J. *et al.* (2022), Air pollution exposure disparities across US population and income groups. *Nature* 601, 228–233, https://www.nature.com/articles/s41586-021-04190-y

[11] American Lung Association (2024), 2024 State of the Air Report, https://www.lung.org/research/sota/key-findings

in counties where the air quality does not meet EPA standards.[12] Additionally, research from the EPA-funded Center for Air, Climate, and Energy Solutions has found that Latines, along with other people of color, are disproportionately exposed to PM2.5 across various income levels and regions in the U.S.[13] Additionally, Latines are more likely to live in areas with extreme heat exposure, further compounding health risks such as heat-related illnesses and cardiovascular issues[14]. This mirrors what is experienced by many communities of color across the country.

Beyond environmental hazards, Latine populations also experience high levels of chronic stress due to socioeconomic disparities, acculturation difficulties, and discrimination. Research indicates that cumulative lifetime adversity—including economic hardship, workplace stress, and ethnic discrimination—contributes to elevated rates of depression and anxiety among Latine immigrants.[15] Furthermore, high allostatic load—an indicator of chronic physiological stress—has been linked to increased risks of obesity and metabolic disorders in Latine communities, exacerbated by environmental stressors and social determinants of health.[16] Similarly, chronic stress as a result of systemic racism contributes to negative health outcomes for Black people including mental health disorders, cardiovascular disease, hypertension, diabetes, and maternal mortality.[17] These interwoven factors highlight the urgent need for public health interventions and policies aimed at addressing environmental justice, socioeconomic inequalities, and culturally tailored mental health support within communities of color.

Strengthening the EPA's Interim Framework for Advancing Consideration of Cumulative Impacts

The EPA should further strengthen the draft Framework to ensure it best serves communities that have historically been under-resourced and overburdened by environmental injustices and cumulative impacts. The bulk of our comments will revolve around the Interim Framework's process for considering cumulative impacts, including the steps listed around initiation, scoping and problem formulation, assessment and informing decisions.

1. *Strengthen Language Access, Community Engagement and Public Participation*

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[12] EPA. Indicators of Environmental Health Disparities for Populations in Monitored Counties; https://www.epa.gov/environmentaljustice/indicators-environmental-health-disparities-populations-monitored-counties
[13] EPA. Study Finds Exposure to Air Pollution Higher for People of Color Regardless of Region or Income; https://www.epa.gov/sciencematters/study-finds-exposure-air-pollution-higher-people-color-regardless-region-or-income
[14] Springer. Climate Change and Environmental Justice: The Link Between Vulnerability and Exposure; https://link.springer.com/article/10.1007/s10584-020-02728-z
[15] Semantic Scholar. Cumulative Lifetime Adversity and Depression among Older Adults; https://www.semanticscholar.org/paper/Cumulative-Lifetime-Adversity-and-Depression-among-Cooper-Bachem/aeeb5682995109b2c48e576dc62dea5d5c51ec36
[16] ScienceDirect. Environmental Justice and Climate Adaptation: Exploring the Distribution of Climate Risk and Adaptation Responses; https://www.sciencedirect.com/science/article/pii/S2352827321001920
[17] (OBHE (2020), Trauma, Racism, Chronic Stress and the Health of Black Americans, https://africanamericanbehavioralhealth.org/ResourceMaterials/Chronic%20Stress,%20Racism,%20and%20the%20Health%20of%20Black%20Americans.pdf

To ensure the EPA's cumulative impacts framework is truly equitable and just, the agency must embed meaningful community engagement at every stage of the process—from initiation to decision-making and implementation. Impacted communities must not be treated as passive recipients of environmental decisions but as active partners in shaping policies that directly affect their health and well-being.

A foundational step in this process is ensuring that all engagement efforts are linguistically and culturally accessible. Without this, the very communities disproportionately burdened by cumulative impacts—low-income, immigrant, and communities of color—will continue to be excluded from the decision-making process. In 2019, 68 million people in the United States spoke a language other than English, with Spanish speakers making up 62% of that population.[18] Failure to provide equitable language access and engagement is not just an oversight—it is a systemic barrier that perpetuates environmental injustice.

The lack of language access does more than limit participation in decision-making–it also restricts communities' ability to understand and act upon environmental risks. Cumulative environmental exposures–such as air pollution, contaminated water, hazardous waste, and extreme heat– disproportionately impact communities of color and low-income populations. However, many of these communities face additional barriers to understanding risk information, accessing legal protections, and advocating for policy solutions due to limited linguistic and technical accessibility.

The *Latino Climate Justice Framework (LCJF)*[19] and WE ACT's Community Engagement Brief[20] provides clear guidance and best practices on how to dismantle these barriers to public participation. We urge the EPA to integrate the following practices into its cumulative impacts framework to ensure meaningful community engagement:

- Interface with communities early and frequently throughout the cumulative impacts assessment process
- Conduct a thorough language needs assessment in impacted communities to identify and provide services in the languages spoken by residents.
- Strive for multi-modal outreach strategies (ex. digital and print forms, door-to-door recruitment) that make information accessible to all
- Mandate that all notices, communications, and key documents be translated into the dominant languages of affected communities.
- Require accessibility services, including translation and interpretation, at all stages and documents of public participation processes.

[18] U.S. Census Bureau. Languages We Speak in the United States; https://www.census.gov/library/stories/2022/12/languages-we-speak-in-united-states.html
[19] Latino Climate Justice Framework (LCJF) 2025-2028 (Pg. 50): https://www.lcjf.greenlatinos.org/.
[20] WE ACT, Community Engagement Brief, https://www.weact.org/wp-content/uploads/2022/10/Community-Engagement-Brief-092322-FINAL.pdf

- Collaborate with local ethnic media to disseminate public notices directly to multilingual and multiethnic communities.
- Providing technical assistance, training, and resources (ex. orientation materials) to help community members participate effectively in the assessment process. These must be easily understandable and translated into relevant languages.
- Recognize that not every U.S. resident has citizenship; therefore, public forums should not be held in venues requiring state-issued ID to enter, which restricts participation based on age and citizenship status.
- Eliminate the presence of Customs and Border Protection and Immigration and Customs Enforcement officers at public forums to encourage participation from undocumented persons and mixed-status families.
- Ensure information is accessible to people with disabilities, providing American Sign Language interpretation, descriptions of images, and Americans with Disabilities Act (ADA)- compliant websites in multiple languages as needed.
- Account for health conditions and disabilities that may limit in-person attendance (ex. providing hybrid and virtual options for public engagement.
- Expand outreach beyond voting populations – include community members under age 18.
- Offer wraparound services to promote robust community attendance (ex. Transportation options, reimbursement of childcare costs, etc).
- Create easy and accessible ways for community members and environmental justice groups to provide input (giving them appropriate time and advance notice) and convey how it will be used or impact the assessment.

To create an equitable and effective cumulative impacts framework, EPA must explicitly recognize the link between language barriers, public participation, and environmental exposure pathways.

2. *Ensure public participation processes do not exploit participants*

For many years, EJ communities have been the subject of academic and agencies' studies and government public participation processes. In many cases, these communities have given up their time and expertise for no remuneration, recognition or attribution. Thus, while WE ACT and GreenLatinos encourage meaningful engagement at all levels, this engagement must respect the indigenous knowledge of these communities. EPA and relevant agencies should ensure that all those involved in creating and maintaining the Framework's structure, research recent prior relevant community engagement efforts. Reports and data should be incorporated from past engagements so the communities are not being asked over and over to participate in the same type of community participation process. These same communities should be remunerated for their time and expertise and compensated for expenses for participation. In addition, when appropriate, these same communities should be recognized and their expertise cited along with

the authors and the researchers. The results of all studies and actions should be publicized (in the relevant languages) in the participant communities.

3. *Prioritize Addressing Disproportionate Burdens*

Historic discrimination has spawned an unjust legacy in which Black, Indigenous, Communities of Color (BIPOC) and low-income communities bear the greatest burden[21] of direct exposure to toxic pollutants and increased vulnerability to a changing climate. Communities of color in the U.S. are more likely than their white counterparts to live near and thus unduly impacted by nearly all emission sectors,[22] from congested transportation hubs to polluting fossil fuel infrastructure, leading to significant increases in childhood asthma, premature birth, cardiovascular ailments, and other health problems.

As described in EPA's Draft Framework, tools such as the CEJST or state examples like the California CalEnviroScreen tool are helpful in providing an initial screening of which communities are most burdened by cumulative impacts. However, they must ensure an accurate representation of the lived experiences. The identification of communities impacted by multiple sources of economic and environmental burdens requires the use of datasets that accurately represent the extent to which a community is dealing with a particular issue and its subsequent impacts. This is of particular importance in cumulative impact tools that rely on an index method (CalEnviroScreen) as opposed to a matrix method (CEJST) as index methods also require input datasets to be appropriately weighted.

An example of a tool that uses improper data to the detriment of communities is the Equitable Transportation Community Explorer (ETC) which was developed by the Department of Transportation during the Biden administration to assist in implementation of Justice40. A WE ACT analysis of this tool found that in order to quantify risks from climate change it incorporated a FEMA dataset called Annualized Hazard Loss. While this dataset does account for increased risk of extreme weather disasters due to climate change, it also includes the property values. If you compared two communities within this dataset, one wealthy and one poor, at the same level of risk from extreme weather events, the wealthy community would receive a higher value within the dataset. Thus, this dataset serves to elevate wealthy communities over poor communities within the context of the ETC methodology which is the exact opposite of what should be done in a cumulative impacts tool.[23] This error is further compounded in the methodology by the weighting applied in the final calculation. Due to this weighting, this data had more influence on the final score than all but one of the dozens other

[21] PNAS. Air Pollution Exposure Disparities Across U.S. Populations; https://www.pnas.org/doi/10.1073/pnas.1818859116

[22] University of Illinois, People of color hardest hit by air pollution from nearly all sources, https://www.sciencedaily.com/releases/2021/04/210428140906.htm

[23] WE ACT Comment on Request for Information on US DOT Equitable Transportation Community Explorer (ETCE) Tool and Index Methodology, https://www.regulations.gov/comment/DOT-OST-2023-0020-0045

datasets incorporated into the tool. Including inappropriate datasets and making poor methodological choices can severely impact the end results in a cumulative impacts calculation and lead to inefficient or incorrect policy decisions.

Once an initial screening tool is used, it is critical to utilize the methods described in the previous section around meaningful community engagement to get a greater sense of the experienced cumulative impacts in a particular community. We recommend that the EPA prioritize the following to more directly address disproportionate burdens:

- In addition to exposure and environmental indicators, include social determinants of health (SDOH) such as poverty, education, healthcare access, linguistic isolation, and housing conditions in cumulative impacts analysis. Including SDOH in impact assessments ensures more accurate equity-focused policies that address both environmental and social stressors. The CalEnviroScreen tool[24] provides a strong example which encompasses 21 indicators including:
    - *Exposure Indicators* - PM2.5, Lead, Diesel, Drinking Water, Pesticides, Toxic Release, Traffic.
    - *Environmental Effect Indicators* - Cleanups, Groundwater Threat, Hazardous Waste, Impaired Water Bodies, Solid Waste.
    - *Sensitive Population Indicators* - Asthma, Cardiovascular Disease, Birth Weight.
    - *Socioeconomic Factor Indicators* - Education, Housing, Linguistic Isolation, Poverty, Unemployment.
- Acknowledge the historical context of environmental racism and discriminatory policies, and their ongoing impact on communities of color, including the exacerbation of cumulative impacts.
- Integrate traditional and subsistence practices in environmental justice communities that create unique exposure pathways to environmental contaminants including:
    - *Fishing in Contaminated Waterways* – Consuming locally caught fish can expose individuals to mercury and PCBs, risks often underestimated in regulatory models.[25]
    - *Farming and Pesticide Exposure* – Farmworkers and nearby residents face repeated exposure through air drift, soil contamination, and residues.
    - *Traditional Food Preparation* – Cooking with open flames, clay cookware, or wood-burning methods can increase inhalation of harmful pollutants

4. Learn from States and Other Jurisdiction's Application of Cumulative Impacts

As the EPA interim guidance outlined, several interested parties at the state and local levels have integrated cumulative impacts into their decision-making processes while others have a clear

[24]California Office of Environmental Health Hazard Assessment (OEHHA). *CalEnviroScreen 4.0 Indicators Overview*; Found at: https://oehha.ca.gov/calenviroscreen/indicators-overview.
[25] Washington State Department of Health. Contaminants in Fish; Found at: https://doh.wa.gov/community-and-environment/food/fish/contaminants-fish

need for cumulative impacts analysis and would greatly benefit from federal guidance on the subject. Environmental justice and community based groups like GreenLatinos and WE ACT have long fought for consideration of cumulative impacts that ultimately leads to public health improvements and mandatory emission reductions[26] in the low-income and communities of color we serve. Below we offer a further few examples of the assessment and/or consideration of cumulative impacts from our local constituency and state programs:

Colorado

Latine communities across Colorado, particularly in North Denver, Commerce City, and Pueblo, continue to bear the brunt of environmental injustice, as highlighted in recent reports on cumulative impacts. These historically marginalized neighborhoods face disproportionate exposure to industrial pollution, hazardous transportation infrastructure, and fossil fuel operations. The Environmental Justice Act (HB21-1266) seeks to address these cumulative impacts by strengthening air quality regulations, enhancing community engagement, and ensuring that fines from environmental violations are reinvested into impacted communities. The establishment of the Environmental Justice Action Task Force has created a pathway for Latine and other frontline communities to participate in shaping policies that address long-standing environmental health disparities. However, systemic barriers—such as language inaccessibility, inadequate data transparency, and insufficient enforcement of regulations—continue to hinder true environmental equity.

In Pueblo, where the Latine population comprises a significant portion of the community, repeated EPA violations from industrial facilities correlate with high rates of asthma and other respiratory illnesses. Similar patterns emerge in North Denver and Commerce City, where polluting industries operate in close proximity to schools and homes, exacerbating health risks. Despite the documented injustices, gaps in data and inconsistent enforcement allow these environmental burdens to persist. Grassroots organizations like GreenLatinos CO and Mothers Out Front are actively working to empower Latine communities through education, advocacy, and policy reform. Their efforts emphasize the need for a just transition away from fossil fuel reliance and towards renewable energy solutions that prioritize community well-being. Addressing these environmental injustices requires a sustained commitment to holding polluters accountable, investing in localized clean energy alternatives, and ensuring that Latine voices are at the forefront of environmental decision-making.

Illinois

The Chicago Cumulative Impact Assessment (CIA), released in September 2023, examines how environmental, health, and social stressors disproportionately affect communities across the city. Conducted in collaboration with community leaders, the assessment found that Black and Latine

[26] Equitable and Just National Platform (2021), Approaches to Defining Environmental Justice Community for Mandatory Emissions Reduction Policy, https://www.weact.org/wp-content/uploads/2023/05/Defining-EJ-Community-for-Mandatory-Emissions-Reduction-Policy.pdf

Chicagoans are disproportionately exposed to environmental hazards. They are more likely to live near toxic industrial sites, leading to higher levels of air pollution. In fact, 95% of Black and Latine residents live in areas that fail federal air quality standards. As a result, these communities face lower life expectancies and higher rates of cancer, asthma, and heart disease. These neighborhoods also struggle with limited access to green spaces and clean water, further compounding the health disparities that already exist. These findings underscore the need for targeted interventions to address systemic inequities.

The CIA directly influenced Chicago's Environmental Justice Action Plan, ensuring resources and policies address the most impacted communities. In response, Mayor Brandon Johnson has prioritized a cumulative impacts ordinance to protect all residents from pollution, climate change, and harmful land use.

The cumulative impacts ordinance is set to be introduced in the next few months and will do the following:

- Require comprehensive assessments of environmental and health impacts for areas already facing pollution from multiple sources.
- Shift zoning and land use policies to consider cumulative environmental burdens, particularly in vulnerable communities.
- Prioritize health equity, ensuring that disadvantaged neighborhoods are protected from further environmental harm.
- Improve public involvement in decisions affecting local environments and public health, particularly in communities of color.
- Promote cleaner development practices by holding industries accountable for their collective impacts on the surrounding areas.

GreenLatinos Illinois will collaborate with local community partners to educate residents about the ordinance and rally support from our alderpeople to ensure its passage through city council.

Cumulative impact assessments must extend beyond Chicago. Similar studies across Illinois and its metropolitan areas are critical to uncovering environmental injustices statewide. Illinois is home to numerous areas with significant environmental hazards, particularly in low-income and communities of color, where residents are disproportionately exposed to industrial pollution, hazardous waste, and poor air quality. Conducting similar studies in rural and suburban regions is critical to identifying other communities that are disproportionately impacted.

<u>New Mexico</u>

In New Mexico, one of only a handful of "majority minority" states, the cumulative impacts of environmental toxins, racial injustice, and poverty are not well understood. With clear issues that

can be seen in a complaint against the City of Albuquerque and Bernalillo County that led to a federal civil rights investigation by the U.S. Environmental Protection Agency. (https://www.nrdc.org/sites/default/files/2024-06/nm-titlevi-complaint-jardines-20240530.pdf)

This case is notable because this occurred in the population center of the State of New Mexico, but this does not take into account the myriad rural and tribal communities. These communities are often adjacent to sources of pollution, especially methane from oil and gas production as well as coal ash and hexavalent chromium from coal-fired power plants. The combination of these environmental factors, low wages, and limited services produce inequalities that are not well studied. Since the 1940s, our state has been considered a "sacrifice zone" and its people have suffered the consequences of this. As one of the poorest states in the country, New Mexico has lacked the resources to adequately study and address these cumulative impacts on Latine and Indigenous communities across the state.

GreenLatinos has been working with our partners to support the reduction of environmental damage that impacts communities of color at a higher rate. We are also launching an educational tour of the state this year to inform Latine and Indigenous communities about the cumulative effects of the toxins in their air, water, and soil combined with socioeconomic and racial challenges.

New York

WE ACT, along with another community based organization, South Bronx Unite, successfully led a coalition campaign to pass New York's cumulative impacts law[27] in 2022. This law is the second in the nation, behind New Jersey,[28] to pass permitting reform legislation that requires facilities to document their cumulative environmental and health impacts on disadvantaged communities, and the state to potentially deny permits if facilities are increasing cumulative burden. The law was enacted as of December 31st, 2024.[29]

This landmark law has four components:

- Regulates New Facilities,
    - Ensuring that no permits be issued if the project is determined by the New York State Department of Environmental Conservation (NYSDEC) to cause or contribute more than a de minimis amount of pollution to a disproportionate pollution burden on the disadvantaged community.
- Regulates Existing Facilities

[27] NY State Senate Bill S1317, https://www.nysenate.gov/legislation/bills/2023/S1317
[28] New Jersey Environmental Justice Law, https://dep.nj.gov/wp-content/uploads/ej/docs/ej-law.pdf
[29] WE ACT, Governor Hochul Signs Landmark Environmental Justice Legislation Reducing Cumulative Impacts of Pollution on Disadvantaged Communities, https://www.weact.org/2022/12/governor-hochul-signs-landmark-environmental-justice-legislation-reducing-the-cumulative-impacts-of-pollution-on-disadvantaged-communities/

    - For a renewal facility, a permit will not be issued if it would significantly increase the existing disproportionate pollution burden in the disadvantaged community.
- Requires Reporting Mechanisms
    - Directs NYSDEC to require permit applicants (i.e. facilities covered under this legislation) to prepare an "existing burden report" for a new project, applicable permit modification, or renewal of a permit.
- Reduces Pollution
    - Directs NYSDEC to require actions for a facility to implement any appropriate operational changes that would reduce the pollution burden on the disadvantaged community as a condition of an applicable permit.

Campaign efforts continue as the NYSDEC has recently released draft regulations to implement the law. The regulations include proposed amendments to the State Environmental Quality Review Act to explicitly include the evaluation of cumulative impacts. The coalition is actively involved in the public comment process. Stringent regulations that include highly protective definitions of pollution burdens and incorporation of affected communities into the decision-making as well as strong internal guidance, and oversight from the Office of Environmental Justice in their implementation are critical to the success of the New York State cumulative impacts law.

Conclusion

There is perhaps no single greater issue in the world of environmental justice than that of cumulative impacts. In order to fully address the public and environmental health of communities, a comprehensive and holistic approach that accounts for the environmental, economic, and social health of a community is necessary to fully understand the impact of past and future actions on said community. Environmental justice organizations have long pushed for policies and legislation that account for the full scope of pollution and environmental impacts on frontline communities. Mountains of research, including but not limited to those studies cited within these comments, have shown that communities of color within the United States bear an immoral and unjust level of environmental and economic burdens and addressing these concerns requires full incorporation and a cumulative impacts approach into the Agency's work.

GreenLatinos and WE ACT for Environmental Justice reiterate that we commend the EPA for addressing this crucial issue and are thankful for the opportunity to provide comments. We believe the feedback provided within these comments will make a finalized cumulative impacts framework stronger and we look forward to working with the EPA to ensure the health and safety of frontline communities and communities of color.

Respectfully,

GreenLatinos

WE ACT for Environmental Justice

Supporting EJ organizations:

350 Colorado
350 New Orleans
A Community Voice
Africatown - C.H.E.S.S.
Alternatives for Community & Environment (ACE)
Americas for Conservation and the Arts
Between the Waters
Center for Earth Energy & Democracy (CEED)
Clean Air Coalition Laredo
Climate Generation
Common Ground Rising
Concerned Citizens
Downwinders at Risk
Duwamish River Community Coalition
Earth Ethics, Inc.
Ecojustice Collaborative of ABCRGR
Flint Rising
GASP (Greater Birmingham Alliance to Stop Pollution)
GNOICC
Green door initiative
Healthy Environment Alliance of Utah (HEAL Utah)
Inclusive Louisiana
Kinetic Communities
La. League of Conscious Voters
Long Beach Alliance for Clean Energy
MANA, A National Latina Organization
Memphis APRI
Midwest Building Decarbonization Coalition
NC Climate Justice Collective
NC Environmental Justice Network
New Alpha Community Development Corporation
New Mexico & El Paso Interfaith Power and Light
North American Climate, Conservation and Environment(NACCE)
Physicians for Social Responsibility Pennsylvania
Progressives for Climate
Pulso Climatico / Climate Trace
Responsible Alpha
SEE (Social Eco Education)
South Asian Fund For Education, Scholarship, and Training, Inc
South Bronx Unite
Sowing Justice
Tewa Women United
Texas Environmental Justice Advocacy Services (T.e.j.a.s.)

The National Black Environmental Justice Network (NBEJN)
Timbuctoo Mountain Club
Turtle Island Restoration Network
Urban & Environmental Policy Institute, Occidental College
West End Revitalization Association WERA
Womxn From The Mountain