



*The purpose of this document is to provide some general talking points about environmental justice concerns around the Clean Power Plan based on the Webinar, “What’s At Stake: Environmental justice and the EPA’s Clean Power Plan”, as well as WE ACT’s general concerns about the rule. Please see [www.weact.org/ejcleanair](http://www.weact.org/ejcleanair) for more information or if you have any direct questions, contact Jalonne at [jalonne@weact.org](mailto:jalonne@weact.org)*

## GENERAL POINTS

- The proposed Plan must consider the Principles of Environmental Justice and Climate Justice Principles for guidance.
- There is a need for the EPA to conduct a thorough environmental justice analysis of this proposed plan, and make it a required part of the State Implementation Planning Process.
- The plan is very slanted towards cap and trade as being the most viable option to meet carbon emissions. Other options should be presented, such as carbon pricing. If cap and trade is given as an option, there MUST be controls integrated into the process to make sure that reductions are actually happening in the communities being impacted. Offsets and allowing the most polluting companies to ‘buy their way out’ of compliance is not acceptable.
- All energy solutions must benefit the community. Opportunities for clean energy jobs, education and affordable alternative energy solutions must be available for residents living in impacted communities.
- The State Implementation Planning process must include environmental justice leaders and advocates at the table. We suggest that this outreach be a significant part of the SIP process.
- It is important that the Agency fulfills the intent of Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

## ENERGY

- An ej analysis of using a ‘mass based vs. rate based’ system should be conducted to understand which emissions standard system would be most appropriate for a more equitable distribution.
- There are some alternative energy concerns that are critical for ej communities. There are EJ concerns about how natural gas is extracted and the use of nuclear. Often, the communities concerns are NOT taken seriously about natural gas. Facility siting, extraction and exploration must be addressed.



- Nuclear power has been brought back as an alternative. It is problematic. The rule states that the EPA recognizes it poses unique waste disposal issues. The rule avoids the retirement of some of the US's nuclear capacity. On Native Lands, the inventory on abandoned mines is unknown and remediation is unknown. Cost in health, land and sustainability is substantial.
- Need to encourage diversified energy and power generation sources.
- At the state level, we need to make sure that renewable energy opportunities are equitable. For example, if there are states where solar panels can be leased or purchased, there needs to be a cap on the leasing fee so that the monies that low income, energy users pay for leasing will be eventually used towards them 'owning' the panels.
- At the state level, we must make sure that the eligibility requirements are just. If eligibility is solely dependent on credit reports, this might exclude certain communities from taking advantage of these opportunities. With that said, we must encourage other 'ways' to insure eligibility to participate in programs for clean energy (i.e. bill payment, income level, other measures of vulnerability, etc.).

#### **CARBON TRADING/CAP AND TRADE**

- Communities living near cap and trade facilities are majority communities of color.
- They are experiencing the disproportionate impact that violates Title VI of the Civil Rights Act of 1964.
- Oversight and accountability of Cap and Trade programs (such as California's AB 32 program, the Regional Greenhouse Gas Initiative in the Northeast), proposed in the Plan is difficult, and typically does and has not included communities of color in the conversation.
- The importance of co-pollutants is an issue that is often 'left-out' of the conversation. Typically co-pollutants are just as or more harmful than Carbon dioxide and they must be a plan to address other toxic pollutant as well.
- Market systems could perpetuate or exacerbate disparities in pollutant burdens because of failure to price in co-benefits (e.g. PM reductions)
- There are no systems (i.e. monitoring, tracking or environmental justice considerations) to ensure that GHG reductions occur in communities that could benefit most from co-pollutant reductions.
- Carbon trading can exacerbate hot-spots and offsets. Offsets can be detrimental and should not be allowed. See recent article in LA Times: <http://www.latimes.com/nation/la-fi-climate-credits-20140630-story.html>



### **HUMAN RIGHTS**

- There is a gap between protecting our health & human rights (the freedom to health, free from racial discrimination) and the laws on the book.
- We must push State and local governments to understand they have the obligation to human rights as well in their state implementation planning process.

### **INCINERATORS/BIOMASS BURNING**

- States have the opportunity to limit biomass burning from being considered a part of renewable portfolio standards. Biomass fuels are not renewable.
- Biomass, waste, landfill, landfill gas to energy projects are largely housed in communities of color across the country, and creates more emissions than coal fire power plants. These emissions could include dioxins, PCBs, cadmium, arsenic and many others.
- We must remove the subsidies that provide renewable energy credits to waste incinerators that burn materials that spew toxic pollutants into the air.
- The rule adopts a number of misleading claims about the benefits of burning biomass which can be hugely impactful.
- We must work from a systems change approach versus a symptom fix.

### **CIVIL RIGHTS**

- Civil Rights Act of 1964 is 50 years old this year and Title VI specifically protects people from racial discrimination from any organization receiving federal money. This applies to states that are developing the plans for this rule.
- The use of allowances and offsets denies certain communities the benefits of local reductions.
- The proposed rule has an EJ Analysis at the end of the Plan that suggests as the economy moves from the current energy baseline to more efficient energy sources, that communities living near the sources could also higher co-pollutant emissions. This is a huge concern.



# CLEAN POWER, CLEAN AIR CLEANER COMMUNITIES

## SUGGESTED ENVIRONMENTAL JUSTICE TALKING POINTS ON THE CLEAN POWER PLAN

- Overall, there is a need for a stronger rule and this rule does not address or propose any regulatory language to protect communities under Title VI.

### POTENTIAL POLICY STRATEGIES TO INCLUDE IN FEDERAL, & STATE PLANNING

- Recommendations from The Climate Gap report: <http://dornsife.usc.edu/pere/climategap/>
  - Close the climate gap by auctioning permits or establishing a fee and invest revenue in communities that will be hardest hit.
  - Close the climate gap by coordinating reductions in greenhouse gas emissions with opportunities to reduce toxic pollutants in neighborhoods with the dirtiest air.
  - Restrict allowance allocations.
  - Ensuring that revenue generated from climate policy will help high-poverty neighborhoods absorb the higher prices for energy and other basic necessities.
  - Currently, federal and state policymakers appear to be moving forward with a framework that includes capping the total amount of greenhouse gas emissions, lowering the cap over time and issuing permits as a way to ensure no one goes over the limit. Yet few of the most prominent climate change mitigation strategies close the climate gap, and in some cases, policies may potentially widen the gap. If emission credits are allocated for free, there is concern that these policies will be regressive.
  - Create a Climate Gap Neighborhoods Fund to protect most vulnerable communities.
  - Community engagement in Clean Power Plan State Implementation Plans (SIPs).