



Hon. Leirion Gaylor Baird, Chair
Lincoln, NE
Hon. Lucy Vinis, Vice-Chair Eugene, OR
Hon. Ras Baraka Newark, NJ
Hon. Luke Bronin Hartford, CT
Hon. Sharon Broome Baton Rouge, LA
Mr. Gary Brown Detroit, MI
Ms. Darcy Burke Elsinore Valley, CA
Hon. Jose C. Aponte Dalmau Carolina, PR
Hon. Kimberly duBuclet Cook County, IL
Ms. Miki Esposito Los Angeles County, CA
Hon. Sarah Fox Vancouver, WA
Hon. Jacob Frey Minneapolis, MN
Hon. Katherine Gilmore Richardson
Philadelphia, PA
Hon. Nick Gradisar Pueblo, CO
Hon. Jonathan Grieder Waterloo, IA
Hon. Evan Hansen Morgantown, WV
Hon. Brenda Howerton Durham, NC
Hon. Deana Holiday Ingraham East Point, GA
Hon. Ella Jones Ferguson, MO
Hon. Heather Kimball Hawai'i County, HI
Hon. Christine Lowery Cibola County, NM
Hon. Ann Mallek Albemarle County, VA
Hon. Rachel May Syracuse, NY
Hon. Christian Menefee Harris County, TX
Hon. Douglas Nicholls Yuma, AZ
Hon. Ron Nirenberg, San Antonio, TX
Hon. Neil O'Leary Waterbury, CT
Hon. David Painter Clermont County, OH
Hon. Mary Lou Pauly Issaquah, WA
Mr. Whitford Remer Tampa, FL
Hon. Satya Rhodes-Conway Madison, WI
Mr. Michael T. Scuse State of Delaware
Mr. Jeff Witte State of New Mexico
Ms. Lisa Wong South Hadley, MA

Paige Lieberman, Designated Federal Officer,
EPA

Michael S. Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan,

The Local Government Advisory Committee (LGAC) appreciates the opportunity to submit recommendations in support of the Agency's development of a Cumulative Impacts Framework. Federal guidance for cumulative impacts will strengthen local efforts to protect residents against disparities caused by environmental pollution.

The LGAC's Environmental Justice and Equity workgroup led the development of the following recommendations that involve opportunities for federal actions to address cumulative impacts:

- In instances where local governments have authority over zoning and land issues, LGAC recommends that EPA provide direct funding to local governments to mitigate and remediate the accumulation of environmental harm caused by industrial facilities.
- In the few instances where local government has no authority over zoning and land issues, the LGAC recommends that EPA lead the development of federal policy that encourages local governments to establish zoning, land use, and public health regulations that limit community exposure to unregulated or underregulated industrial sites that pollute or cause risk to residents or the environment.

Several of the recommendations address the need for better coordination and planning between local governments, EPA, and states to address cumulative impacts based on existing EPA authorities in the permitting context. There is a great need, from a local perspective, for better coordination of State Implementation Plans (SIPs). Therefore, the LGAC recommends:

- If a SIP is approved over local governments' objection, the LGAC recommends that EPA meet with impacted local governments to help navigate available policy options and federal funding opportunities to support unaddressed community goals or needs.
- Where SIPs have failed to alleviate or reduce pollution in overburdened communities, the LGAC recommends that EPA take actions to protect these communities, including disapproving a SIP and proposing a FIP. Where states are pursuing emissions offsets, EPA should encourage them to prioritize areas already overburdened by air pollution and facilities emissions.
- EPA should provide resources to increase local air monitoring and use that data to ensure that SIPs are being met, especially in communities that are clearly overburdened by air pollution.
- The LGAC recommends that EPA partner with state, tribal, territorial, and local governments to analyze and contextualize the data that contributes to cumulative impacts. Using existing tools such as [EJSCREEN](#) and the [Climate and Economic Justice Screening Tool](#) (CEJST) will support data-driven identification of overburdened and underserved communities that can be used to support permitting decisions.
- The LGAC also recommends that EPA provide regional technical assistance in the design of local environmental justice indexes, like EJSCREEN and CEJST, to map impacts in finer detail.

The LGAC offers a set of principles and tools to be included in EPA's Cumulative Impacts Framework. These recommendations are listed as the following:

- The LGAC recommends EPA develop guiding principles within the cumulative impacts framework.
- The LGAC also recommends the development of a toolkit that leads to a collaborative, cohesive permit review process that allows local governments to ensure proposed industrial permits are protective of human health and the environment.

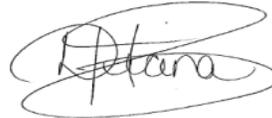
Lastly, we recognize that the LGAC is not the only Federal Advisory Committee advising the Agency on environmental justice and therefore, we recommend that EPA coordinate the work between the LGAC and National Environmental Justice Advisory Committee (NEJAC), as both Committees work to provide recommendations on cumulative impacts.

We thank you for the opportunity and look forward to reviewing EPA's Cumulative Impacts Framework and to the continuation of engagement with EPA's Office of Environmental Justice and External Civil Rights.

Sincerely,



Mayor Leirion Gaylor Baird
LGAC Chair



Mayor Deana Holiday Ingraham
LGAC Environmental Justice Workgroup Chair

LGAC Environmental Justice and Equity Workgroup Recommendations for a Cumulative Impacts Framework

In January 2021, President Biden signed [Executive Order 13985](#), On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. This Executive Order provides a framework for stimulating action across the federal government to address health inequities in the U.S. caused by disproportionate exposures to pollution and environmental degradation and exacerbated by racial, economic, and geographic factors, as well as climate change.

In response, EPA Administrator Regan issued an [Equity Action Plan](#) to develop a cumulative impact assessment that will result in improved outcomes for historically marginalized communities. To fulfill its mission to protect human health and the environment, EPA must address cumulative impacts.

LGAC uses a definition of cumulative impacts defined by EPA's Office of Research and Development as *the totality of exposures (public health and/or environmental effects, in a geographic area) to combinations of chemical and nonchemical stressors and their effects on health, well-being and quality of life concerns.*

As part of the Agency's internal assessment of cumulative impacts, EPA has sought the Local Governmental Advisory Committee's (LGAC) input on developing and implementing a new cumulative impacts framework. While these recommendations are intended for Administrator Regan, we hope the content will be valuable to all federal agencies involved in the establishment of environmental regulations that impact the everyday lives of our residents.

Opportunities for Federal Actions to Address Cumulative Impacts

The EPA asked the LGAC to identify ways that the federal government can use policy to address cumulative impacts. Many local governments have zoning authority, land-use regulations, and public health considerations that are applied during permitting processes for industrial facilities. These local guidelines can be used to determine the most appropriate settings for approving permits for industrial uses within that community in a way that limits potential risk or detriment to the public or environment and ensures that health and quality of life is not impacted. However, some local jurisdictions do not. This provides industries with unrestrained opportunities to build and expand facilities -- often in locations that already experience many disproportionate exposures to air, water, and soil pollution.

In instances where local governments have authority over zoning and land issues, **LGAC recommends that EPA provide direct funding to local governments to mitigate and remediate the accumulation of environmental harm caused by industrial facilities.** Funding would greatly enhance the ability of local governments to gather local environmental data (i.e, air monitoring), receive technical assistance for accessing existing funding and resources, and directly address harms caused by cumulative impacts. While most local governments have authority over zoning and land issues, local governments do not have the authority to enforce compliance with federal and state environmental standards. Until enforcement is revamped in a way that centers the community throughout the enforcement process and provides some enforcement authority to local governments, direct funding for mitigation and remediation would ensure that the level of government that is closest to the people will have the ability to address longstanding harm in communities overburdened by pollution because of cumulative impacts.

For many years, the City of East Point, Georgia, has received numerous air pollution complaints from residents who live adjacent to paint production facilities, pole manufacturing facilities, and other industrial facilities that have existed for over 70 years. Despite the City's success in strengthening its

partnership with state and federal environmental regulatory agencies, enforcement, mitigation and remediation have been challenging because the industrial facilities are technically in compliance with existing federal and state environmental regulations. A cumulative impacts framework, along with technical assistance and funding would empower towns like East Point, along with other local governments across the country that are dealing with generational harm caused by lack of consideration to cumulative impacts that result in permissible pollution exposures. This framework would also empower local governments to address and protect the quality of life and health of its residents.

In the few instances where local government has no authority over zoning and land issues, the **LGAC recommends that EPA lead the development of federal policy that encourages local governments to establish zoning, land use, and public health regulations that limit community exposure to unregulated or underregulated industrial sites that pollute or cause risk to residents or the environment.** This policy should be developed in coordination with multiple federal agencies, specifically U.S. Department of Housing and Urban Development and U.S. Department of Transportation.

Houston is one example of a jurisdiction that would greatly benefit from EPA providing incentives for local governments to approve or deny industrial permits in accordance with public health and environmental considerations. Houston currently has no zoning laws, which has led to an overconcentration of polluting facilities like concrete plants and metal recyclers in lower income, Black and Brown neighborhoods. As an example, a company recently applied for a permit to build a concrete crushing facility approximately 400 yards from a public hospital, Texas's busiest Level III trauma center, which sees more than 80,000 emergency patients each year. For jurisdictions that face limitations with local zoning laws, EPA's guidance, education, and enforcement of applicable federal laws and regulations can help to develop creative ways to push back on industrial permits that lead to harmful pollution in communities. An increase in opportunities for partnerships between federal and local governments will help jurisdictions and their enforcement capabilities address cumulative impacts overall. While Houston's situation is somewhat unique, this kind of support from the federal government will also benefit communities with limited zoning regulations or capacity to enforce them, and those wanting to enhance their local rules.

It should be noted that many unregulated, underregulated, or outdated industrial facilities are responsible for high levels of greenhouse gas emissions that contribute to climate pollution. In 2021, direct industrial greenhouse gas emissions accounted for 23% of total U.S. greenhouse gas emissions, making it the third largest contributor after the transportation and electric power sectors. As EPA provides financial resources for the reduction of greenhouse gas across the nation, it is vital to consider the synergies of cumulative impacts and greenhouse gas emissions at the federal, state, and local levels.

Addressing Cumulative Impacts Through Partnerships

The EPA also asked the LGAC to identify partnerships that could address cumulative impacts through better coordination and planning. Permitting decisions for private industries are often made by the federal government (through Federal Implementation Plans [FIPs]) or state governments (through State Implementation Plan [SIPs]). Depending on the location, local governments have different opportunities to meaningfully engage in these processes. Based on existing EPA authorities to address cumulative impacts in the permitting context, there is a great need, from a local perspective, for better coordination around SIPs. If a SIP is approved over local governments' objection, the **LGAC recommends that EPA meet with impacted local governments to help navigate available policy options and federal funding**

opportunities to support unaddressed community goals or needs, including how to move forward, keeping in mind the whole-of-government approach.

Where SIPs have failed to alleviate or reduce pollution in overburdened communities the **LGAC recommends that EPA take actions to protect these communities, including disapproving a SIP and proposing a FIP. Where states are pursuing emissions offsets, EPA should encourage them to prioritize areas already overburdened by air pollution and facilities whose emissions directly impact overburdened communities.** Finally, EPA should **provide resources to increase local air monitoring and use that data to ensure that SIPs are being met, especially in communities that are clearly overburdened by air pollution.**

EPA can also support local governments through education and technical assistance. Technical assistance is needed to support local analysis of state policies that communities believe are contributing to cumulative impacts and processes to make those written reviews publicly available. The LGAC recommends that EPA **partner with state, tribal, territorial, and local governments to analyze and contextualize the data that contributes to cumulative impacts. Using existing tools such as [EJSCREEN](#) and the [Climate and Economic Justice Screening Tool \(CEJST\)](#) will support data-driven identification of overburdened and underserved communities that can be used to support permitting decisions.** It would also be valuable for EPA's EJSCREEN to be updated to include cumulative impacts. Updating the EJSCREEN to include features containing health and demographic data will help local government's view layers of multiple environmental indicators at once. **The LGAC also recommends that EPA provide regional technical assistance in the design of local environmental justice indexes, like EJSCREEN and CEJST, to map impacts in finer detail.** Coordinating this work through municipal leagues and national associations is an effective way to ensure local governments are aware of the available assistance.

Key Principles for EPA's Cumulative Impacts Framework

Building on the recommendations provided in the past two years, the LGAC offers foundational recommendations in the development of a cumulative impact's framework, and to continue engaging over the next year. Recognizing that a commitment to equitably address cumulative impacts requires actionable steps, **the LGAC recommends EPA develop guiding principles**, including for seeking community input, understanding socio-economic impacts that have historically been associated with polluting facilities, development of a decision-making process, undertaking a risk assessment, and implementing a community benefits analysis that evaluates quality of life improvements associated with environmental justice communities. One solution is to require a Stakeholder Engagement & Advisory Process as part of the permitting process. Once an application is submitted to federal and state agencies, local governments with jurisdictions over the project site should be notified. After notification, it is critical that the federal/state permitting agencies begin a timely and sufficient public engagement process with the local community and stakeholders. A great example of this approach can be found in [Chicago's Cumulative Impacts Assessment](#).

The LGAC also recommends the development of a toolkit that leads to a collaborative, cohesive permit review process that allows local governments to ensure proposed industrial permits are protective of human health and the environment.

Lastly, we recognize that the LGAC is not the only Federal Advisory Committee advising the Agency on environmental justice and therefore, **we recommend that EPA coordinate the work between the LGAC and National Environmental Justice Advisory Committee (NEJAC), as both Committees work to provide recommendations on cumulative impacts.**

We thank you for the opportunity and look forward to reviewing EPA's Cumulative Impacts Framework and the continuation of engagement with EPA's Office of Environmental Justice and External Civil Rights.