

National Hispanic Leadership Agenda

MEMBER ORGANIZATIONS

June 10, 2016

The Honorable Harold Rogers
Chairman
U.S. House Committee on Appropriations
H-305 Capitol
Washington, DC 20515

The Honorable Nita M. Lowey
Ranking Member
U.S. House Committee on Appropriations
1016 LHOB
Washington, DC 20515

Dear Chairman Rogers and Ranking Member Lowey:

We write on behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of 40 leading national Latino nonpartisan civil rights and advocacy organizations to urge you and your colleagues to oppose the problematic policy riders included in the Fiscal Year 2017 Interior, Environment and Related Agencies Appropriations bill.

Dangerous ideological policy riders that undercut the environmental, occupational, health and safety protections for Latino communities across the country have no place in an appropriations process aiming to fund critical agencies of our government. It is our goal, to ensure that vulnerable and overburdened communities are protected from environmental pollutants yet these riders aim to deteriorate advances in environmental justice, clean energy and conservation that the Latino community has fought for and championed. Due to the disproportionate impact that environmental degradation has on the well-being of our communities, we stand united to insist that the following riders be removed from the Fiscal Year 2017 Interior, Environment and Related Agencies Appropriations bill:

ENVIRONMENTAL JUSTICE

Attack on Farmworkers via the EPA's Agricultural Worker Protection Standard (WPS)

Section 437 – The EPA's Agricultural Worker Protection Standard (WPS) had not been updated in over 23 years but thanks to the work of the NHLA, in coalition with our allies in the farmworker, labor and environmental movement, the EPA recently revised the standard to better protect child and adult farmworkers, and provide them with the information and tools they need to prevent pesticide exposure in the workplace. Because injured farmworkers may be incapacitated or unable to access information about the pesticides they were exposed to during their employment, the revised WPS provides that

Alianza Americas
American G.I. Forum
ASPIRA Association
Avance Inc.
Casa de Esperanza: National Latin@ Network
Congressional Hispanic Caucus Institute
Cuban American National Council
Farmworker Justice
Hispanic Association of Colleges & Universities
Hispanic Federation
Hispanic National Bar Association
Inter-University Program for Latino Research
Labor Council for Latin American Advancement
Latino Justice PRLDEF
League of United Latin American Citizens
MANA, A National Latina Organization
Mexican American Legal Defense and Educational Fund
National Association of Hispanic Federal Executives
National Association of Hispanic Publications
NALEO Educational Fund
National Association of Latino Independent Producers
National Conference of Puerto Rican Women, Inc.
National Council of La Raza
National Hispana Leadership Institute
National Hispanic Caucus of State Legislators
National Hispanic Council on Aging
National Hispanic Environmental Council
National Hispanic Foundation for the Arts
National Hispanic Media Coalition
National Hispanic Medical Association
National Institute for Latino Policy
National Latina Institute for Reproductive Health
National Puerto Rican Coalition
Presente.org
SER Jobs for Progress National
Southwest Voter Registration Education Project
United States Hispanic Chamber of Commerce
United States Hispanic Leadership Institute
United States-Mexico Chamber of Commerce
U.S.- Mexico Foundation

farmworkers may request this information through a designated representative. The “designated representative” provision is critically important to the health and safety of farmworkers and their families, yet Section 437 seeks to deprive farmworkers of this protection that is available to workers in all other industries.

Attack on Public Engagement and Transparency

Page 100 – Attack on the National Environmental Policy Act (NEPA)

This provision undermines the National Environmental Policy Act (NEPA) which guarantees public participation, transparency, government oversight, and informed decision-making. This harmful rider seeks to silence communities of color across the country by eliminating smart and informed decision-making under NEPA, but also the only forum for local communities, including Latino communities, to have a say on major federal actions that affect their health, safety, and environment. Specifically, it makes funds available to categorically exclude a broad range of 3,000 acre logging projects on National Forest System land from NEPA requirements.

Attack on the Clean Water protections

Section 425 – Under the Bush Administration, the definition of “fill material” in the Clean Water Act was changed to allow mountaintop mining operators the ability to dump the toxic mining waste into valley streams. This mining waste contains chemicals and toxic substances known to pose serious health risks to humans and aquatic life. This language prohibits the agency from using the latest scientific and health research to enact regulatory changes to the definition of fill material. Changing the definition of fill material would more accurately capture the intent of the term under the Clean Water Act and more effectively safeguard human health and clean water by closing a dangerous industry loophole.

Section 427 – This rider blocks funding for EPA’s Clean Water Rule, which recognizes that the health of our nation’s cherished waterways depends on the small upstream waters and wetlands that flow into them. The Clean Water Rule ensures that these upstream waters are protected from harmful pollution, safeguarding 20 million acres of wetlands that provide important flood protection, among other benefits. The rule also protects drinking water sources for over [117 million Americans](#), since one in three Americans gets their drinking water from public systems that rely on headwater and seasonal streams.

Attack on the Clean Air Act protections

Section 438 – If enacted, this provision would delay by up to 8 years the Environmental Protection Agency's recently finalized 2015 update to the ozone, or smog, standard. Smog pollution - the result of fossil fuel and industrial emissions that chemically react in sunny, hot weather - can cause lung inflammation, asthma attacks, and even premature death. Children, seniors, people with breathing ailments, outdoor workers, low income families and communities of color are disproportionately affected and at particular risk. It is estimated that 166 million Americans - more than half the US population - currently reside in areas with unsafe levels of air pollution. Instead of trying to delay and block enforcement of Clean Air Act safeguards like the ozone standard, Congress should be working to implement and strengthen these life-saving protections.

Attack on Protections from Solid and Hazardous Waste

Section 430 – Attack on Superfund, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) – This provision blocks EPA efforts to ensure that industries handling hazardous substances set aside sufficient funds, in the form of bonds or insurance, to clean up toxic spills or releases from their industrial activities. This section threatens to leave our communities and taxpayers to bear the burden of toxic clean up costs by prohibiting the EPA from using funds to establish new financial responsibility requirements pursuant to §108(b) of the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980 (CERCLA). The establishment of financial assurance requirements is 30 years overdue and the absence of financial assurance requirements have allowed companies to walk away from contaminated sites, leaving taxpayers with billions of dollars in cleanup costs when industries default on cleanup obligations, and the lack of funding has slowed numerous cleanups.

Page 70, lines 1-16 – Attack on Federal Protections from Unsafe Disposal of Toxic-Laden Waste – The first-ever, federal safeguards to protect communities living near toxic coal ash dams and landfills were recently finalized by the EPA. Almost 70 percent of toxic coal ash waste pits are located where low-income and minority populations are disproportionately represented. The unsafe disposal of coal ash has resulted in over 200 cases of water contamination, has compromised air quality, and led to three major toxic spills since 2008. Like families in Flint, communities living near toxic coal ash dumps don't have the certainty that their water is safe to drink, cook or bathe with. This language seeks to divert limited and valuable EPA resources, to require the production of a report on state programs addressing coal ash; programs that have a tragic history of failing to protect public health and the environment and ultimately, will set the stage for a bicameral attack on the minimal protections that are in place.

CLIMATE CHANGE AND CLEAN ENERGY

Section 436 - Social Cost of Carbon

This provision would force the federal government to completely ignore the Social Cost of Carbon (SCC) and the costs of climate change that is impose on global and local overburdened communities. The Social Cost of Carbon (SCC) estimate is an important cost-benefit analytical tool that enables agencies to evaluate the global and local economic costs of climate impacts and the benefits of policies to reduce carbon emissions. Blocking its use would allow agencies to arbitrarily decide whether and how to consider the costs of carbon pollution leading to uninformed and capricious policies that counter environmental justice efforts across the country. Forcing agencies to ignore the costs of carbon also forces agencies to turn a blind eye towards its disproportionate impact on communities of color. Moreover, it disenfranchises the same communities by preventing them from providing public input regarding its local effects.

Section 439– Attacks on Greenhouse Reductions (methane)

Section 439 seeks to block EPA from implementing its Methane Pollution Standard, the first-ever limits on methane pollution from the oil and gas sector. It would also block future efforts to regulate existing sources of methane. EPA estimates net climate benefits of the new and modified source rule at \$170 million in 2025. More than 1.8 million Latinos live within a half-mile radius of oil and gas development, where air emissions attributed to this industry can be connected to dangerous levels of air pollution and adverse health impacts.

CONSERVATION

Section 120 – Attack on the Stream Protection Rule

This rider keeps the Office of Surface Mining Reclamation and Enforcement within the Department of the Interior from continuing work to revise regulations, adopted in the waning days of the Bush administration, which opened up streams to destructive and polluting practices associated with surface coal mining. The proposed rule—which has been a promise of the Obama Administration since he first got into office—incorporates the latest technical expertise to better protect the imperiled natural ecosystems of the Appalachian Mountains, and the communities who have lived in these areas for generations, from greater ecological and health-related harm brought on by the adverse impacts associated with mountaintop removal mining.

Section 122 - Undercutting efforts to conserve our Natural Resources

Section 122 seeks to prevent the Bureau of Land Management from finalizing its proposal to limit venting, flaring and leaks from oil and gas sources on public lands. It is estimated that more than \$330 million worth of

gas from federal and tribal land is wasted annually.

Sec 431 – Attack on the Clean Power Plan and NSPS for new and modified GHG sources

This section seeks to undo the signature piece of the Obama administration's climate policy and the largest single action any American President has ever taken to combat climate change -- The Clean Power Plan. The Clean Power Plan is designed to limit carbon pollution from fossil fuel-fired power plants, which is the largest single source of climate-changing emissions. The provision would also defund efforts to control carbon emissions from new and modified power plants.

We thank you for your consideration and urge you to oppose the pending policy riders included in the Interior, Environment and Related Agencies Appropriations bill. These riders, if approved, threaten the health, safety and welfare of Latino community members. Please feel free to contact Laura Esquivel of the Hispanic Federation at or Virginia Ruiz of Farmworker Justice, if you would like to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Sanchez", with a long horizontal flourish extending to the right.

Hector E. Sanchez

Chair, National Hispanic Leadership Agenda (NHLA)
Executive Director, Labor Council for Latin American Advancement (LCLAA)