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Media Release: Affected Communities Urge the Environmental Protection Agency to End the Free Pass It Is Giving Polluters

More than 150 affected communities, environmental justice organizations and other groups are calling on the Environmental Protection Agency to rescind or replace its policy allowing companies to stop reporting how much they pollute under the guise of COVID-19.

The policy, which took effect in mid-March, allows companies to use COVID-19 as an excuse to stop critical health and safety monitoring—without notifying the public or the EPA. The policy applies to every industry in the country, including chemical manufacturing, coal-fired power plants, oil refineries, and virtually all other sources of pollution. In addition to increasing the potential for catastrophic chemical releases and explosions, the policy allows the EPA to waive enforcement even if the suspension of monitoring causes an “imminent threat” to health or the environment. On top of all that, the policy comes at a time when EPA inspections are at a decade-long low.

"People of color, low-income people, and Indigenous peoples have been made especially vulnerable through decades of environmental racism: policies that intentionally concentrate pollution and toxic hazards in our communities. This administration has doubled down on that history, rolling back critical health protections," said Michele Roberts, Co-Coordinator of the Environmental Justice Health Alliance for Chemical Policy Reform. "We are already dying from COVID-19 in far greater numbers than others, and this policy will expose us to even more harm. Any elected officials, or candidates, who claim to care about our communities need to stand up now, be heard, and help stop this attack on our health."

Recent research has shown higher exposure to pollution increases the risk of dying of the coronavirus. Communities of color and those living in poverty are more likely to live near polluting factories, and lack access to healthy foods, both of which harm their health and weaken their immune systems. This reckless non-enforcement policy puts these groups at even greater risk of illness and even death from COVID-19 by exacerbating their already higher exposure to pollution and related respiratory hazards.

“EPA’s decision to suspend enforcement is unconscionable. The agency is abrogating its responsibility to protect our communities and public health. The suspension of enforcement puts us at even greater risk in the midst of the COVID19 crisis. We demand that EPA rescind this policy and reinstate proper oversight, inspections, and enforcement necessary to protect our health,” said Pamela Miller, Executive Director of Alaska Community Action on Toxics.

In a letter provided to EPA leadership and key members of Congress today, more than 150 fenceline, medical, faith-based, environmental justice, and other organizations publicly called on EPA Administrator Andrew Wheeler to rescind the policy or amend it to require companies to
provide documentation of need. They also called for public disclosure when monitoring or reporting are suspended, and called on key Congressional committees to step in and provide aggressive oversight to ensure that the policy is not abused.

The letter follows a formal petition to the EPA requesting immediate action to amend the policy, and a lawsuit filed earlier this month against the agency by a number of the same organizations. The suit argues people need accurate and timely information about the air they breathe and the water they drink in order to protect themselves from pollution. If they can’t obtain such information, they won’t be able to protect themselves -- or take action against polluters.

“Now more than ever, we need EPA to do its job and protect our health—not put it at greater risk,” said Gina McCarthy, president and CEO of the Natural Resources Defense Council. “During a pandemic that is hitting people with heart and lung disease the hardest, it is senseless to push forward a ‘don’t ask, don’t tell’ policy for polluters that will allow them to make our air and water dirtier without warning or repercussion. This policy benefits polluters and polluters alone—and all at our expense.”

The letter to EPA and Congress recommends that:

- EPA rescind the policy outright, or replace it with a more specific, time-limited, and narrowly targeted policy, one that provides for waivers on a case-by-case basis when supported by evidence, which are then disclosed to affected workers and communities;

- If EPA does not rescind the policy or replace it with a much more targeted and time-limited policy, the agency must act on the petition for emergency rulemaking submitted on April 1, 2020, and promptly adopt a rule to ensure that companies immediately inform EPA if they suspend any monitoring or reporting under the policy, and that EPA disclose any such suspensions to the public in a timely manner;

- If EPA does not rescind the policy, Congress should exercise strong oversight of its implementation and hold EPA accountable to protecting public health and safety through compliance with the specific recommendations above; and

- EPA, or Congress if EPA fails to promptly do so, should provide clear and confidential means for facility workers and affected community members to anonymously report concerns about suspension of activities that may endanger health, safety, and the environment, and act immediately on those reports.

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See additional letter signatory quotes below.

Available for interviews:

Michele Roberts, National Co-Coordinator, Environmental Justice and Health Alliance for Chemical Policy Reform, mroberts@comingcleaninc.org
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Jim Goodman, Wisconsin dairy farmers, National Family Farm Coalition Board President
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Jason Jarvis, Rhode Island commercial fisherman, Northwest Atlantic Marine Alliance
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Kristin Schafer, Executive Director of the Pesticide Action Network
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Nancy Buermeyer, Senior Policy Strategist at the Breast Cancer
Prevention Partners
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Past press releases:

Release: Groups Sue EPA Over Free Pass for Polluters Amid Pandemic
https://comingcleaninc.org/latest-news/in-the-news/groups-sue-epa-over-free-pass-for-polluters
Groups Petition EPA Over Reckless Non-Enforcement Policy
https://www.nrdc.org/media/2020/200401

Release: Numerous Groups Denounce EPA’s “Free Pass” for Polluters

Resources:

“Life at the Fenceline: Understanding Cumulative Health Hazards in Environmental Justice Communities”
https://ej4all.org/life-at-the-fenceline

“How’s In Danger: Race, Poverty and Chemical Disasters”
https://comingcleaninc.org/assets/media/images/Reports/Who%27s%20in%20Danger%20Report%20FINAL.pdf

“Watered Down Justice”
https://www.nrdc.org/resources/watered-down-justice

Additional Quotes, EPA Sign-On Letter Press Release

“If anything, now is a time the EPA should be going above and beyond to protect the public from chemical pollution. In particular, unequal access to clean air is already a huge problem; respiratory health of low-income and communities of color is already disproportionately impacted by industry pollution and as a result, these communities are at even greater risk of adverse health impacts from COVID-19. If the EPA follows through with this indefinite suspension, not only will this exasperate our current public health crisis, the agency is essentially agreeing to forego its duties to protect the environment and public health,” said Amber Garcia, Executive Director at Women's Voices for the Earth. 406-543-3747, amberg@womensvoices.org

“The relaxation of the federal enforcement of environmental regulations is a declaration from the EPA that black and brown environmental justice communities don’t matter”, said Dulce Ortiz Co-Chair Clean Power Lake County "Communities like Waukegan and all EJ communities throughout the nation will suffer irreparable consequences as the EPA announces a suspension of enforcement, which is why we will not stand idly by and we’ll continue to organize for our basic human rights,” said Dulce Ortiz, Co-Chair, Clean Power Lake County. 224-399-5446, dlc.ortiz@gmail.com

"Communities of color and working class communities have been disproportionately impacted since before the industrial revolution. Our communities and our workers have been the proverbial "canaries in the coalmine". For the EPA to now intentionally move the entire agency toward "Dereliction of Duty" and justify it by using the COVID19 pandemic as an excuse, is
tantamount to the worst form of environmental racism,” said Jose Bravo, Executive Director, Just Transition Alliance.
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"Has a high-risk chemical facility in my neighborhood or yours stopped monitoring for leaks that could be releasing a toxic chemical into our air? Or stopped checking for equipment failures that could lead to an explosion? Under EPA’s policy, no one will ever know. Polluters shouldn’t get to oversee themselves, but that's exactly what this policy does. Fox, meet henhouse,” said Judy Robinson, Executive Director of the environmental health network Coming Clean. Judy can be reached through Alex Kellogg, Communications Strategist for Coming Clean, at 802-251-0203 x709, akellogg@comingcleaninc.org

"EPA’s effort to, in advance, waive any enforcement or penalties and give industry carte blanche to do as they please, goes against everything the National Family Farm Coalition has, for decades, stood for and worked to protect. We represent small farmers, ranchers and fishermen whose lives have been devoted to produce food in an environmentally responsible manner that considers the health of everyone. We work with and respect the communities of color and indigenous nations who will be most impacted by the increased pollution and environmental degradation that this egregious plan will allow. Using the current pandemic as an excuse to advance the administration's desire to do away with regulations is a shocking abuse of power and their duty to protect the general welfare of the nation,” said Jim Goodman, Wisconsin dairy farmers, National Family Farm Coalition Board President.
608-489-2291

"As fishermen, we can do all we can to protect the marine environment and fish stocks, but the health of our nation’s fisheries are undermined by runoffs from chemical facilities, impact from fuel extraction and mining, and persistent bioaccumulative toxins such as mercury that are released in the air and then end up in the very fish we are working to protect. The EPA’s move not only jeopardizes our livelihoods, it jeopardizes our ability to feed people,” said Jason Jarvis, Rhode Island commercial fisherman, Northwest Atlantic Marine Alliance Board President.
401-207-3118

"It's no surprise that this administration, though unable to muster an effective public health response to a pandemic, has no difficulty opening the sluice gates for polluters by announcing that it plans to simply look the other way when industry breaks the law. Filing paperwork late is one thing, but 'forgive and forget all' is no way to protect Americans from harmful pollution. CPR is proud to join more than 100 organizations pushing for effective enforcement during the pandemic,” said Robert R. M. Verchick, Board President of the Center for Progressive Reform. For press contact: Brian Gumm, Communications Director, Center for Progressive Reform, bgumm@progressivereform.org

"This EPA order puts those communities that are even more susceptible to harm due to cumulative exposures, like those battling air pollution linked to breathing challenges as well as neurological harm, at possible greater risk to COVID-19. This is simply unacceptable,” said Tracy Gregoire, Healthy Children Project Coordinator, Learning Disabilities Association of America.
207-729-0266, tracy@ldaamerica.org

“This broad suspension of enforcement activities, just as industry requested, is one more example of this EPA putting corporate interests before public health and the environment. Since the agency’s out-the-gate decision to block a planned ban of the brain-harming pesticide chlorpyrifos back in March 2017, it's been crystal clear who EPA is working for under this administration. This decision is shameful and must be reversed,” said **Kristin Schafer, Executive Director, Pesticide Action Network, Kristins@panna.org**

"We are facing an unprecedented global crisis, yet President Trump’s EPA is responding by allowing industry to ignore federal pollution prevention laws. This decision shows a blatant disregard for the health of people and the planet; and will disproportionately harm communities of color who are already facing higher risk for COVID-19. To ignore environmental laws that protect the public from dangerous levels of pollution is wrong; to do so during a pandemic is unconscionable,” said **Nancy Buermeyer, Senior Policy Strategist, Breast Cancer Prevention Partners. For press contact: Erika Wilhelm, 415-215-7251, erika@bcpp.org**

“People of faith understand the importance of caring for the most vulnerable communities. It is the EPA's moral obligation to do everything in its power to protect these communities, especially during this pandemic,” said **Celeste Flores, Lake County Outreach Director for Faith in Place. 502-395-8683, Celeste@faithinplace.org**