

ENVIRONMENTAL INJUSTICE:
EXPLORING INEQUITIES IN
AIR AND WATER QUALITY
IN MICHIGAN

HEARING

BEFORE THE
SUBCOMMITTEE ON ENVIRONMENT
OF THE
COMMITTEE ON OVERSIGHT
AND REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTEENTH CONGRESS
FIRST SESSION

SEPTEMBER 16, 2019

Serial No. 116-60

Printed for the use of the Committee on Oversight and Reform



Available on: <http://www.govinfo.gov>
<http://www.oversight.house.gov> or
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U.S. GOVERNMENT PUBLISHING OFFICE

37-954 PDF

WASHINGTON : 2019

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ENVIRONMENTAL INJUSTICE: EXPLORING INEQUITIES IN AIR AND WATER QUALITY IN MICHIGAN

Monday, September 16, 2019

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ENVIRONMENT,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:07 p.m., in the Gymnasium, 2260 S. Fort Street, Detroit, MI, Hon. Harley Rouda presiding.

Present: Representatives Rouda and Tlaib.

Ms. TLAIB. So, welcome. Welcome to how we are trying, as two new members to Congress, Chairman Rouda and I, we really believe in how we need to bring Congress to the neighborhoods, to the communities impacted by a lot of the issues that we see every single day, making sure you are connected to Congress and making sure that your real-life stories, the human impact of really the policies that we try to debate and try to push forward needs to be connected to the people at home. This is our opportunity to do that, to bring you to the table. So I want to thank all of you so much for being here.

I also want to thank the incredible team at Kemeny Recreation Center. Give them a round of applause for opening up this space.
[Applause.]

Ms. TLAIB. Also, the team at Detroit Parks and Recreation, the staff, thank you so much.

I also want to thank Drs. Leonard and Mohai. Did I get it? Thank you. Thank you for being patient with me.

They did a toxic tour for both of us, and Congresswoman Debbie Dingell was with us this morning. So not only did we just want to have a hearing here, we also wanted to show them the living conditions that you all have every single day. We went by AK Steel, Marathon Refinery, and a number of the other industries around the community, so they got to see, again, the impact on your lives and what it looks like on the ground.

All of you are now going to see, right here to my right, Emma Lockridge, who has been documenting. She lives right here in the community and has been documenting the human impact of living near high-polluting industry. So I want to thank her so much for sharing her photography here.

Thank you, Emma.

[Applause.]

Ms. TLAIB. So, you all know I was born and raised here, and I really did think that smell was normal. No, I really thought that smell was normal, the number of trucks in my neighborhood was normal, the fact that when I played outside and came in I smelled like rotten eggs, that that was somehow normal. So it was really important when I was first elected and as I got into office that I was fighting for the right to breathe clean air, the right to access clean water.

So today I am hoping, with the incredible people that you see at the table that we all have been working with for almost—some have been doing this work for 40 years, Dr. Leonard. Thank you so much, Dr. Leonard, for everything you have been doing for our community.

[Applause.]

Ms. TLAIB. Some have been at the front line of really trying to show what doing nothing looks like. I can tell you that having the legal expertise of Nick Leonard and [his] trying to help us really shows that there is technology, there is science, there is a way of living near industry in a way that is humane.

As many folks are here, we also know we have local elected folks that I asked Chairman Rouda if I could recognize. We have State Representative Tyrone Carter here. Thank you so much for being here.

[Applause.]

Ms. TLAIB. Senator Betty Jean Alexander, thank you so much.

[Applause.]

Ms. TLAIB. Trustee Linda Jackson from Redford Township.

[Applause.]

Ms. TLAIB. We also had Councilwoman Raquel Castaneda-Lopez, who spent some time with us here before she had to leave. I want to thank her so much for coming and talking to some of us here.

But thank you, thank you all deeply for being here and for wanting to participate in trying to make our community even better in fighting for clean air and clean water. Thank you again, Chairman.

Chairman Cummings, who is not here, the Chair of our House Oversight Committee, has been an incredible mentor. He did not shy away from giving two new Members of Congress the rein on the Subcommittee on Environment, and I am so, so pleased to be serving with Chairman Rouda right now. He has been one of the key champions on PFAS contamination in our country and has not backed down.

[Applause.]

Ms. TLAIB. And you all know, PFAS is not a rural issue. It is happening right here in our backyard, at Melvindale, and now they even found it in Southwest Detroit, in the Delray neighborhood. So we have to be at the forefront again in holding these corporations accountable.

Thank you so much, Chairman, and welcome.

[Applause.]

Mr. ROUDA. Thank you, Vice Chair. It is a privilege to be here in Detroit this afternoon with you. This is an official congressional hearing, and I am going to open it up in just a minute. But I did want to share with you, as an official congressional meeting, we do

things a little bit differently. I will do an opening statement, then Vice Chair Tlaib will do one as well, and then we will recognize the witnesses and they will have five minutes each to do an opening statement, and then we will have the opportunity to ask questions.

But because I am the Chair, and with the permission of Vice Chair Tlaib, I asked if it was okay if we would afford an opportunity to you to ask some questions as well, and we plan to do that. We have some index cards that will be available. I know that some members of Vice Chair Tlaib's staff are holding their hands up in a few places. So if you would like a card at some point, maybe just step to the side and you will find someone and you can write a question, and then we will get it to staff to take a look. We will not have time for a lot, but we will have time for a few.

So let me get situated here, make sure I have that situated correctly, and the committee will come to order.

Without objection, the Chair is authorized to declare a recess of the committee at any time.

This subcommittee is here to examine environmental justice issues in Michigan.

I now recognize myself for five minutes to give an opening statement.

As I said, I am honored to be here in Detroit today with my colleague, Vice Chairwoman Rashida Tlaib, who has been a dedicated leader on environmental issues in our subcommittee. It is a privilege to be able to visit her district and see firsthand, as we did this morning, how hard she has been working on behalf of the people of Detroit, and I look forward to continuing to work with her to ensure equal access throughout this country to basic human rights and to hear about what we in Congress can do to help make and achieve this realistic goal.

Because the idea of basic human rights is, in essence, what this hearing is about, the right of every American to feel safe when we walk outside or turn on our faucets, safe from air pollutants that make us cough or gag, that give us emphysema and aggravate our asthma, safe from toxic chemicals and bacteria that jeopardize our children's brain development and weaken their immune systems. This safety is not and should never be contingent upon where we live, the color of our skin, our income bracket, our party affiliation, or any other superficial differences that needlessly divide us.

It makes me heartsick that the people of Detroit and Flint have been living without their basic rights and that they have lost trust in elected officials. Earning their trust back won't be easy, but we in Congress are determined to make sure the reality of life in America lives up to the promise of America, the foundational promise that all people are created equal and all are equally deserving of a fair shot in life.

Let me read you some statistics from the most recent Detroit Community Health Assessment, released last year by the Detroit Health Department. Thirty-eight percent of Detroit residents live in poverty, the highest percentage of any major U.S. city. The rate of infant mortality in Detroit is twice the rate of the state of Michigan. Detroit residents' life expectancy is lower than the statewide average in nearly every neighborhood, and the rate of emergency room visits in Detroit is nearly twice that of the rest of the state.

Nine percent of children in Detroit have elevated levels of lead in their blood compared with four percent statewide.

Other reports tell us that over eight years, water and sewer costs in the city of Detroit have risen steadily, and already-struggling low-income residents are paying approximately 10 percent of their monthly income on water bills. Water service has been shut off for many households in the city. Five years after public officials made the decision to switch its water supply, the city of Flint has still not fully recovered. Flint's mayor has still not declared the city's water safe to drink, and city residents are paying money they can't afford for bottled water because they cannot trust the assurances that the crisis is over.

We in Congress are working to demand accountability for the tragedy in Flint, and we want to ensure a crisis of this magnitude never happens again and that we have safe drinking water not just in Detroit, not just in Flint, but throughout Michigan and our great country.

[Applause.]

Mr. ROUDA. We as policymakers need to understand that when communities don't have clean air or access to clean water, that affects every aspect of life. Property values decrease, population decreases, people get sicker, the quality of sanitation declines. One disparity quickly leads to others, and because of this, in the year 2019 we see the kind of stark inequalities that shake the foundations of our democracy. This cannot stand.

Fundamentally we are here today not just to talk about clean air and clean water and equal access to our natural resources; we are here to remind ourselves what kind of country we want to be. It has been more than 50 years since Dr. Martin Luther King, Jr. spoke of the existence of two Americas, and it remains just as true now as it was then, that injustice anywhere is a threat to justice everywhere.

I hope that the testimony we hear today will be a call to action for all of us to demand a version of America in which we can all drink, breathe, and live freely, and I believe that day will come. Thank you.

I now invite the subcommittee's Vice Chair, Ms. Tlaib, to give a five-minute opening statement.

Ms. TLAIB. Thank you so much, Chairman.

I am honored to bring Congress to the original Southwest Detroit in the zip code of 48217, where I have spent countless hours alongside community activists and experts fighting for the right to breathe clean air and drink clean water. It is so incredibly wonderful to see many of my friends on the panel today and to elevate the voices of our community on a national stage.

We hear so much testimony from so many experts in D.C., but often what is missing is that connection to the lived experience. So we are here today in Michigan's most polluted zip code, a resilient zip code, to hear from a family, a family of environmental warriors who have fought for our public health in the streets and in the legislature and in the courts. Thank you all for being here today to educate the U.S. Congress on the challenges we face here in Michigan.

I am going to focus today on two truths: we have a right to breathe clean air, and water is a human right. I have been in this fight for environmental justice for a long time. Growing up, I did think that smell was normal from industrial pollution. Entire generations grow up in sacrifice zones where our air and water is polluted by wealthy corporations for profit, and we are expected to accept that.

I took my fellow congressional members on the toxic tour this morning because I needed them to smell what my community smells every day and what they feel - what my community feels - every single day. Just last week, residents in the neighborhood surrounding this field hearing were exposed to yet another gas leak from Marathon plant. They are still searching for answers. What was released? Is it safe to breathe the air? It is, sadly, a familiar story for this community.

Marathon, like so many other corporate polluters, likely won't face any meaningful consequences, and this will continue happening. They have just written off these leaks as a cost of doing business. But we know that our communities, our neighbors, and our families are so much more important than corporate profit.

We have a right to breathe clean air, so we will never stop organizing to get it.

Water is a human right, and so we are going to ensure that every single person has access to clean water.

We take on these big fights because we don't have any other alternative. When people take to the streets to protest for environmental justice, they are standing up for their lives, their right to live.

Thank you all so much for being here at this critically important hearing, and I can't wait to hear from our community experts.

Thank you so much, Mr. Chairman.

Mr. ROUDA. Let's thank Chairwoman Tlaib again for bringing us all together. We really appreciate your efforts.

[Applause.]

Mr. ROUDA. At this time, I would like to recognize our witnesses. We have Dr. Dolores Leonard, an advocate. I thank you again for taking the time to take myself and many others from our delegation around the city and the affected areas to better understand the immense challenges for the community.

Ms. Shariff, the Director of Flint Rising; thank you as well.

Dr. Mohai, School of Environment and Sustainability from the University of Michigan. I am a Buckeye, but this shows that we can still work together across old differences.

Nick Leonard, Executive Director of Great Lakes Environmental Law Center.

And Ms. Lockridge, the climate and environmental justice organizer for Michigan United.

I would ask all of you to please stand and raise your right hand.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Thank you. Please be seated.

Let the record show that the witnesses answered in the affirmative.

The microphones are sensitive, so if you could please speak directly into them.

Without objection, your written statements will be made a part of the record.

With that, Dr. Leonard, you are recognized to start for five minutes of your oral presentation of your testimony.

STATEMENT OF DOLORES LEONARD, ED.D., ADVOCATE

Dr. LEONARD. Thank you. Mr. Chair, I was required to submit my comments last week, but I plan to deviate, with your permission.

Mr. ROUDA. Absolutely. And if you would please pull the microphone very close to you.

Dr. LEONARD. Better?

Mr. ROUDA. I think so. Based on the nods in the audience, I think that is correct.

Dr. LEONARD. Thank you. Because I am a former classroom teacher and I become winded, I am going to give my conclusion first.

Along the way, I have come to understand that it is the political climate, elected officials, and the economic environment—industries, companies, and stockholders—that dictate the guidelines written for environmental protection for citizens. I understand, in many cases, it is the elected politicians who, relying upon campaign financing from lobbyists of the very companies emitting in my community, write laws under which I must live while they may not understand fully the ramifications of their writings. I also recognize that, in many cases, it is the lobbyists who write the environmental laws that are given to the Environmental Protection Agency to implement, which are given to states to enforce.

I am always mindful of Alan Greenspan's comments when he explained the concept of collateral damage, clearly describing my community, collateral damage.

I will give you two what I call lasting and traumatic personal experiences of mine.

On Monday, August 3, 1998, at approximately 3:15 p.m., there was an explosion in my home. I was sitting at my kitchen glass table that shook. I ran out of the house screaming. There was no one outside. All of this was very strange and terrifying for me. Everyone was at work. Having lived through two Ford Motor Company explosions a few years back, I knew what an explosion sounded like and what it felt like, because each time of the Ford explosions I had been in my basement. I live approximately eight miles from that Ford Motor Company complex. It took me approximately one year to determine why every weekday between 3:15 and 3:45 p.m., and most Saturdays at 12 noon, the explosion would occur. The explosions were coming from the Detroit Salt Company dynamiting for salt.

A community resident shared a copy of a contract between the city of Detroit and the Detroit Salt Company that permitted removal of salt underground between the streets and the alleys. I ask you, what sits between the streets and the alleys? Our homes. Our ceilings and walls were cracked. Pictures fell off the walls. Driveways were cracked. The foundation of many homes was destroyed.

Of course, we had nothing to prove before and after in terms of pictures.

The community as a body appeared before the city of Detroit Council to protest. While the amount of dynamite used appeared to be less powerful, the extractions continued for approximately two to three more years.

Years before moving to the Delray area, that is what I last heard where they were.

It was August 3, 1998 that I officially became an environmentalist, and I have brought with me today a map in the corner there that depicts my community, showing the surrounding industry.

Another illustration. Approximately five to 10 years ago, I unexpectedly drove into a mist, a vapor. I entered the mist not realizing while driving that it was there. It began at the number 50 Marathon Refinery storage tank and continued until I exited on the other side of the viaduct on Shafer and at the Dicks Road street. My window was down. The kerosene odor came into the car. I could not see to drive forward, nor to turn around and get out of the situation. I could only creep along slowly, terrified I might hit another driver or be hit by a driver. That was an extremely frightening experience.

Whenever Marathon has a chemical release, the company releases a statement that always states the public need not be concerned as there was no health harm. Never do they discuss the psychological stress the citizens living in the area endure.

The 48217 zip code community is a small enclave that is a part of the city of Detroit.

Is that a stop? Oh, I am looking at the red.

The 48217 zip code community is a small enclave that is a part of the city of Detroit, but few people realize this community exists because of its location. The average income is below \$30,000. Education level, generally high school graduation. Census 2010 population data for 48217 was 8,210 people. The stated black or African American population was 6,625, or 80.7 percent. Total occupied housing units, 3,216 or 80.9 percent. Census tracts 5248, 5247, and 5245.

In March 2016, Zoe Schlanger wrote a Newsweek article, "Detroit Makes You Sick." She states, "There is something like 52 sites of heavy industry in a tiny little three-mile area in River Rouge, Ecorse, Melvindale, and the 48217 area." The article is very explicit in describing the living and health conditions caused by pollution.

In a March 29, 2016 article written by Schlanger and that appears as a website article, "Michigan's Air Pollution Problem Is Much Bigger Than The Water In Flint," this article describes a parent having an asthma attack. And she was asked, why do you stay here? Why not move? Her response was, "Because of low rent."

Michigan Department of Environmental Quality, now known as Environment, Great Lakes, and Energy—EGLE—has no choice but to issue operating permits if the application documentation presented by various industries meets all necessary emission guidelines. However, what is not being considered and omitted in permitting is the cumulative emission of all these industries within the area who are emitting the same chemical. In other words, what

I am saying is if Company A is emitting, Company B is emitting, Company C is emitting, MDEQ EGLE does not add all of that together. They look at each individual company and they issue a permit. What is impacting my community is when all of these, this aggregate comes together, and that is what impacts the health and has a psychological impact on my community. That is what I am trying to say. This is a life and death situation.

[Applause.]

Dr. LEONARD. We were fortunate in 48217 to work with MDEQ, and we do have a neighborhood air monitoring station that sits behind New Mount Herman Church.

I have a lot to say, and I become very frustrated when I begin talking, and I think I should stop.

Mr. ROUDA. Thank you, Dr. Leonard.

[Applause.]

Mr. ROUDA. The Chair now recognizes Ms. Shariff for five minutes of oral testimony.

STATEMENT OF NAYYIRAH SHARIFF, DIRECTOR, FLINT RISING

Ms. SHARIFF. Thank you, Mr. Chair and Representative Tlaib.

The Flint water crisis is an example of what happens when the needs of profit and industry are deemed more important than the needs of the people. Flint residents lost their local democratic rights, and their local elected officials had their powers usurped due to the imposition of Michigan's emergency manager law. Supposed debt in majority black-and brown-populated school districts and municipalities, in addition to assets that could be privatized, were the driving motivator for the communities who would lose their democracy. Since the passage of the emergency manager law in March 2011, no majority white community within the state of Michigan has been taken over by the state and lost their democracy.

My foray into the fight for clean water was embedded in the larger fight for the restoration of democracy in Flint. At the time of the switch, I was a member of the Flint Democracy Defense League, a grassroots group of Flint residents, some of whom are seated in the audience—I see you all five years too long—who came together after Flint went into state receivership. Immediately after the switch to the Flint River, the water coming out of my tap was brown, yellow, and/or smelled like an open sewer. Within a month I was boiling my water and had a point-of-use Brita filter in the kitchen. Unfortunately, I was still bathing in unfiltered water. I was getting rashes and I had what I believed to be cystic acne. We had “boil water” advisories. Our water bills ballooned to the highest in Genesee County. Little did we know at the time we were paying one of the highest water and sewer bills in the country for poisoned water.

Because our group understood the emergency manager law, we knew we had to force the state to switch us back to a clean source of water. The fact that your government was the primary party responsible for the poisoning of a community was nearly unheard of, and it took a very long, hard, old-fashioned organizing fight to even get the state to acknowledge that we had toxic water.

I have worked as a community organizer and racial justice facilitator for over 15 years. One lesson I took from the work is the expertise is in the room. Unfortunately, residents were not in the room when solutions to the Flint water crisis were crafted. We never wanted to live our lives using bottled water. Bottled water sends a message that water should be commoditized. How can there be a price tag for something essential to human life? In addition, the plastic is sourced from petrochemicals, which in turn resources the fossil fuel industry.

These refineries are located primarily in communities of color. We wanted Medicare For All, but we received non-income test Medicaid, leaving people over the age of 21 and non-pregnant adults without health care. We wanted water mains, internal plumbing, and service lines replaced, but we only received service line replacement through a settlement agreement. We wanted people to be held accountable for the cover-up, but in June of this year the Michigan Attorney General's Office dropped the charges for the 15 state and local employees responsible for the Flint water crisis. The state employees who did not previously resign reported back to work in July.

If there hasn't been a long-term plan developed to fix Flint, how can you fix any other community? It is a false argument that compliance equals safety. Twelve parts per billion, 15 parts per billion, those numbers are all made up. The American Medical Association says there is no safe level for lead. So why don't we have health-based standards at the EPA? Flint was denied a Federal disaster declaration because of the Stafford Act. The Flint water crisis didn't occur because of a tornado, hurricane, or earthquake. It was caused by environmental racism, white supremacy, patriarchal decisionmaking, capitalism, and the belief that the needs of a large corporation like General Motors are more important than the needs of poor black and brown people who can't afford to pay \$200 to \$300 a month for poisoned water.

[Applause.]

Ms. SHARIFF. The Stafford Act needs to be amended to include the poisoning of communities through air and water. We have a registry, but we didn't have a compensation fund to meet our long-term health care needs. Flint residents never stopped paying a premium price for poisoned water, and water systems can charge as much as they want through fees without any transparency or accountability. High water bills in Flint have caused families to live without water. We need a Federal income-based water affordability plan so water is affordable for all, with shut-off protections for seniors, families, and children, and individuals who need water for their medical needs. Finally, we need massive infrastructure investments to remove these lead pipes once and for all.

It has been over five years since the switch to the Flint River, 1,970 days to be exact. My life has changed in ways I couldn't even imagine. My health has gotten worse. One of my seizures has partially paralyzed my vocal cords and has changed my voice. I can no longer raise my voice. Even though they are mostly under control now through the help of medication, I know that if I did not have a job that offered an affordable, comprehensive medical plan, I would have to make decisions between bills and my medication.

Fortunately, I also have the opportunity to travel and tell my organizing story in this long-haul fight for reparations and justice.

Thank you.

[Applause.]

Mr. ROUDA. Thank you, Ms. Shariff.

The Chair now recognizes Dr. Mohai for five minutes of oral testimony.

STATEMENT OF PAUL MOHAI, PH.D., PH.D., SCHOOL OF ENVIRONMENT AND SUSTAINABILITY, ON BEHALF OF UNIVERSITY OF MICHIGAN

Mr. MOHAI. Thank you, Congressman Rouda and Congresswoman Tlaib. Thanks for the opportunity to participate in today's hearing.

In 1987, the United Church of Christ report, "Toxic Wastes and Race in the United States," was the first study to examine the distribution of hazardous waste sites around the Nation. It found that the concentration of people of color in zip codes containing hazardous waste facilities was double that in zip codes without. It also found that the concentration of people of color in these zip codes was the best predictor of where such facilities are located, even when controlling for incomes and property values.

In the late 1980's, I teamed with Professor Bunyan Bryant, now an emeritus professor at Michigan, to investigate this issue more closely. Our first endeavor was to see whether other such studies existed and whether they pointed in the same direction. At the time, we found over a dozen such studies, all demonstrating either racial or socioeconomic disparities in the distribution of environmental hazards of a wide variety, with race most often the best predictor.

As faculty investigators of the U-of-M's 1990 Detroit area study, we conducted the first environmental injustice analysis in the metro area. We determined the locations of respondents and measured their distances to a wide range of potentially hazardous sites, including hazardous waste facilities, Superfund sites, polluting industrial facilities, and others. We found statistically significant disparities based on the race and incomes of the respondents, and as with "Toxic Waste and Race in the U.S.," we found race to be the best predictor.

Also in 1990, Professor Bryant and I organized the Michigan Conference on Race and the Incidence of Environmental Hazards. This was the first conference to bring together academics from across the U.S. who were studying environmental disparities to discuss their research and the implications of their findings. The conference and its proceedings got the attention of the U.S. Environmental Protection Agency. After the conference, EPA Administrator William Reilly invited and met with conference representatives to talk about our findings and what the agency could do.

After several meetings, the EPA published a report entitled "Environmental Equity: Reducing Risks for All Communities." This report included an independent review of the evidence and concluded that environmental inequalities in the U.S. needed to be addressed, and it offered recommendations. Shortly after the EPA released its report, the House of Representatives convened hearings. Over the

years, numerous bills have been introduced in Congress, none of which have been signed into law.

In 1994, President Clinton issued Executive Order 12898 calling on all Federal agencies, not just the EPA, to take into account the environmental justice consequences of their decisionmaking.

Over the years I have conducted a number of national-level, state-level, and metropolitan-level studies of environmental inequality and disparity. The outcome of these studies have consistently shown disproportionate environmental burdens in poor communities and communities of color. At the same time, this research has expanded into multiple disciplines such as public health, law, economics, urban planning and others, showing much the same results.

In the interest of time, please refer to my written testimony for further details about my research and findings and those of others.

Despite the considerable amount of research, evidence, and scholarly writing on the issue of environmental racism and injustice in the past 30 years, policy development to remedy the problem has been surprisingly slow. Despite the 1994 executive order, there has been little evidence that actual progress to improve conditions in impacted communities has been made. Until the Flint water crisis became an international story, it was rare to hear environmental disparities and injustices acknowledged or to hear the terms “environmental racism” and “environmental justice” in public discourse.

The Flint water crisis began to change this. In my opinion, it is the most egregious example of environmental injustice in the U.S. in my over 30 years of studying this issue. I am not aware of any environmental bills that have been enacted into law either in Michigan or nationally. State and national laws that explicitly address environmental injustice need to be enacted. They need to be adequately funded and followed up by relevant regulatory agencies with well-articulated, step-by-step procedures to make certain these laws are fully implemented and enforced.

Furthermore, quantitative measures should be developed, and annual assessments conducted, to determine whether genuine environmental justice improvements are being made. Until this happens, I believe most current state and Federal policies will simply remain declarations of good intentions.

Thank you for this opportunity to provide testimony to the committee. I look forward to answering any questions you may have. Thank you.

[Applause.]

Mr. ROUDA. Thank you, Dr. Mohai.

The Chair now recognizes Mr. Leonard for five minutes of oral testimony.

**STATEMENT OF NICK LEONARD, EXECUTIVE DIRECTOR,
GREAT LAKES ENVIRONMENTAL LAW CENTER**

Mr. LEONARD. Good afternoon, Congressman Rouda and Congresswoman Tlaib. It is fantastic that you are here to hear all of us.

In my work as the Executive Director of the Great Lakes Environmental Law Center, I have worked with residents in Southwest Detroit and the south end of Dearborn to address air pollution,

residents on the east side of Detroit to address the expansion of a hazardous waste facility, residents on the east side of Detroit to close down a trash incinerator, residents throughout Southeast Michigan that are confronting issues of drinking water quality and affordability. Through my work with all of these communities, I have come to deeply understand how our Federal environmental laws fail to adequately address the concerns of communities of color and lower income, and today I am going to talk about that failure and how it can be remedied.

Injustice in law and policy often starts with an absence, specifically the absence of people of color and lower income in creating that law or policy. This absence leads to the creation of laws or policies that ignore the concerns of people of color and lower income, and this ignorance, particularly if left unremedied for long periods of time, as has happened here, leads many people of color to logically and correctly conclude that while our environmental laws adequately protect whiter and more affluent communities, they fail to protect communities of color.

The environmental injustices here in Southeast Michigan are indicative of similar problems in communities of color across the country. Numerous studies have found that communities of color and lower income are disproportionately exposed to higher levels of air pollution when compared to whiter, more affluent communities. Our investor-owned electric utility, DTE, is proposing to increase residential rates by nine percent and is failing to provide low-income residents with access to renewable energy, ensuring that such communities will be locked into the fossil fuel economy that is harming their health.

Hazardous waste facilities such as U.S. Ecology's facility in Detroit are overwhelmingly located in communities of color and lower income. Increasing rates of water service are forcing low-income residents in Southeast Michigan to pay 10 to 20 percent of their household income on water bills. Due to these unaffordable rates, 84 percent of these residents are cutting back on monthly expenses for things such as food, medicine, and rent, and 51 percent are switching off paying their energy bills and their water bills on a month-to-month basis.

How has this been allowed to happen? In the absence of Federal requirements, many states, including Michigan, have failed to take action to address these issues and the environmental concerns of people of color. Today in Detroit's communities of color, gas-fired power plants are being built, hazardous waste facilities are being expanded. And because the concerns of these communities of color are not reflected in the law and they are not required to be addressed, our environmental agencies that decide whether to allow these projects to move forward must, in accordance with that law, ignore the concerns of people of color. Put another way, the law ignores people of color, and as a result the agencies in charge of administering them do as well.

In regards to drinking water, the Federal Government's role has largely been twofold, regulating the quality of water and financing drinking water infrastructure improvements through state revolving fund programs. However, Federal funds dedicated to drinking water infrastructure improvements are well short of the need. EPA

has estimated that Congress needs to spend 20 times the amount appropriated in 2019 over the next 20 years to ensure that all Americans have safe drinking water.

Given the shortfall in Federal funding, many public water suppliers are increasing water rates to unaffordable levels. However, nothing in Federal law directly addresses the existing and ever-growing water affordability crisis that is predominantly impacting communities of color and lower income and that are sure to get worse in the coming years.

The most significant Federal law that does address the environmental concerns of communities of color is Title 6 of the Civil Rights Act of 1964, which prohibits state environmental agencies from discriminating on the basis of race, color, and national origin. However, the U.S. Supreme Court has interpreted the law to only prohibit intentional discrimination by state agencies and not activities that have a disparate impact on communities of color, essentially nullifying that requirement.

The U.S. EPA has adopted Title 6 regulations that prohibit state agencies from activities that have a discriminatory affect regardless of intent. Theoretically, residents can submit a Title 6 complaint to the U.S. EPA to address violations of EPA's non-discrimination regulations. However, the EPA's Title 6 complaint process has a well-documented history of mismanagement, making it largely ineffectual for communities of color.

So how is this to be remedied? I provided you with a further list of written recommendations. But to summarize, at a minimum the EPA should diligently administer its existing regulations prohibiting states from activities that have a disparate impact on communities of color. Additionally, as has been shared by numerous people on this panel, we need more just environmental laws and policies that are developed in partnership with communities of color and lower income and that adequately address the unique environmental issues that these communities face on a day-to-day basis.

Thank you very much.

[Applause.]

Mr. ROUDA. Thank you, Mr. Leonard.

The Chair now recognizes Ms. Lockridge for five minutes of oral testimony.

STATEMENT OF EMMA LOCKRIDGE, CLIMATE AND ENVIRONMENTAL JUSTICE ORGANIZER, MICHIGAN UNITED

Ms. LOCKRIDGE. Thank you so much. Thank you, Congressman Rouda and Chairman Tlaib, for all the work you have done here assisting us over the years. I would like to just acknowledge some of our frontline fighters, environmental fighters: Theresa Landrum sitting here, Vincent Martin and Tyrone Carter, and others. I stand on their shoulders. I was amazed over the years some of the impactful work they have done in this community.

I want you just to imagine, if you will, being asleep at 3:30 in the morning, and all of a sudden you start coughing, you get choked. Then your own coughing wakes you up, and you don't have a cold. Then your nose alerts you to the fact that there are chemicals in your bedroom and you can't breathe, and they smell toxic, and they are choking you. These are the emissions that we have

experienced as an ongoing presence in our homes from Marathon Petroleum Corporation over the years.

What I have done personally for myself is, when I have a chance at the doctor's office, I grab a mask and I put it over my nose, and then I grab pillows and I put them over my head, and then I put the covers over my head and I try to get a few winks of sleep. I have neighbors who have told me what they do is run to the kitchen, get some bleach, go to the basement, pour it down the drain, hoping that will help the odor subside.

This is no way to live, and we have had this problem, and we have complained about this problem over the years.

Also, what is important to know is that when we talk about environmental racism, it started for us the moment our parents signed the deeds to our homes. This goes back to the 1950's, and even before that, when our parents moved here from the south, escaping Jim Crow and the crushing racism down there, only to realize they had landed up south. And when they moved into these communities, they were restricted from moving wherever they wanted to. They were forced to live near refineries. They were forced to live near polluting rivers. They were forced to live near the company DTE Energy, the largest SO₂ producer in this area. They were forced to live near these facilities. They were forced to be necklaced by steel mills, and they didn't know. They thought they were giving us a better life, but what they were doing was shortening our lives when they moved here.

I live—turn out of the parking lot, turn left, and I live directly across the street from Marathon Petroleum. That is where our subdivision is. Some people call it the North Boynton community. Some people call it the Jeffries community, where our school used to be. Some people call it The Hole. All of our streets run right into a spur of the Rouge River, and that is where we dead-end, and we are indeed trapped in a hole.

But one of the worst things going on right now, and it is still present in our subdivision, is that five acres where our former school existed, Jeffries, where I attended elementary school from kindergarten to the sixth grade, is a brown field. It is a brown field. It is toxic. No one, children in particular, are supposed to play or be on lead. I mean, if you reach 600 parts per million, that triggers danger signs.

That field has 13,000 parts per million of toxins and arsenic, right in the middle of our subdivision, one block from my house. There is not, to this day, one sign over there that says "Toxic Field." Kids still go over there in the summer and play. We are still being poisoned. Not one house has ever been tested across the street from this facility, and it is a brown field.

I contacted the EPA. I contacted the state. They did nothing. Why? Because we are black. They do nothing. They had a similar field like that in Lavonia, fixed it, and they are out there playing soccer on it now. But we are black, so we get a different response.

What does this all mean for us, to be in this toxic environment? It means, for me, kidney failure. I had to have a kidney transplant. Thank God my nephew donated to me 12 years ago. That is why I am able to sit here. Can we give Lorenzo Robeson a round of applause?

[Applause.]

Ms. LOCKRIDGE. That means my next-door neighbor now is on dialysis. That means my neighbor across the street died on dialysis. That means my handyman cutting the grass today who lives around the block from me is on dialysis. That means my precious sister Paula, who was one of the most athletic people I have ever met, who played on that toxic field with us, died of kidney failure before she reached the age of 50. That means I have been diagnosed with non-Hodgkin's lymphoma. I have cancer, like so many people out here. That means I have to use an asthma inhaler. That means my precious mother died, had COPD. My brother died of lung cancer. Yes, he smoked cigarettes, but lung cancer. A lot of us smoked. That means my dad died of cancer, cancer everywhere.

We are a sick community. That is what that means.

So I am just glad that when they had the release over at Marathon the other day, I was grateful I wasn't home, not because I am afraid, because I don't live on fear. I am a woman of faith, okay?

[Applause.]

Ms. LOCKRIDGE. I am never afraid of anything. But I would have been out there with my camera, just like I have done over these years, documenting that. I would have had firsthand photographs, because no matter what a company says, I will have the documents to show what the true story is. But one of my neighbors came over and gave me the pictures anyway because now they know this is what they are supposed to do.

So environmental racism has had a huge impact on our lives, not just health, and when I say these health situations, I am talking about people I know, not just me. Theresa Landrew sitting right there has had to deal with cancer. I am not talking about just me. I am talking about just us, Baby Boomers who grew up in this community.

So on top of our health, we have lost our wealth. My parents paid \$8,000 for a four-bedroom home in the 1950's, and it is worth about \$8,000 right now. So something tells you something is horribly wrong right here.

So what I want to say is there are some people here who want to stay here, and I understand that. We have communal ties. It has always been a very strong community, very loving people. We watch out for one another. We grew up in the Motown era, dancing under the streetlights and singing. But you know what? For me, time is up. I want out of here, because everything around me is just too toxic with DTE Energy.

With this list, my house, I discovered—I met with Dr. Mohai this spring, and we discovered my house is in the center of all those dots. So it is time to go.

I am going to leave you with a quote from Dr. Martin Luther King, Jr., and this is what Dr. King said. He said, "It really boils down to this: that all life is interrelated. We are all caught in an inescapable network of mutuality, tied into a single garment of destiny," a single garment of destiny. "Whatever affects one directly, affects all indirectly."

In other words, there is no wall around air pollution. What impacts us today, the canaries in the climate change cave—that is who we are—what impacts us today reaches everyone at some

point. So we need to earnestly work together to fix this. Our legislators, policymakers, environmental groups, industry, we need to sit at the table with them to work through this, and everyone who is concerned who would like to wake up breathing clean air, drinking clean water, I do this work for the babies. That is why I put them right in the center of all those pictures over there.

Time is up for me. My life is going to be shortened. I already know that. But you know what? We still have time to protect our children. Thank you.

[Applause.]

Mr. ROUDA. Thank you, Ms. Lockridge.

And thank you to all of the members on our witness panel.

At this time I am going to pass the microphone to Vice Chair Tlaib to take five minutes of questions.

Ms. TLAIB. Thank you so much, Chairman.

I do want to take a moment because this is my neighborhood, and I don't want to not recognize some elected folks. But I do want to acknowledge that our Wayne County Commissioner, Iona Vargas, just walked into the hearing—thank you so much for being here—as well as city of Ecorse Councilman Divante Charizard, and our Dearborn Heights Councilwoman, Lisa Hicks Clayton. Thank you.

The environmental injustice affects all of Wayne County, just to be very clear. The EPA says that we have unsafe levels of sulfur dioxide, yet they just closed, as you all know, the EPA office that is closest to us, Eagle, where our emergency response teams were based out of. Now they moved them to Ann Arbor. Yes.

So you all know that we still have a huge fight on our hands, and we need to get our EPA office back into Wayne County. I have been working with Congresswoman Debbie Dingell to try to fight that, but we all need to stand up together and get our inspectors closer to our homes.

We are also here today because, as Emma Lockridge said, I mean, this is the sacrifice zone, right? Wayne County especially, in all corners of the district, from AK Steel—I think they outputted 700 percent above their air permit, which is right here in our backyard—to Marathon Oil Refinery, which has been cited by the state of Michigan at least 13 times in the past six years for violations of its air permit and the Clean Air Act.

Now, you all hear me saying this. This is the impact. It releases toxic chemicals that are known to cause respiratory illnesses, cancer, and birth defects. We literally had toxic gas leaks from Marathon last week, as you all know, which caused them to evacuate the plant, but not our neighborhoods.

And it isn't just this neighborhood. Communities on the east side near the Chrysler plant are exposed to some of the worst air pollution in the state of Michigan. And neighbors surrounding the U.S. Ecology facility have been fighting against its expansion for years.

So this is a Wayne County effort. The whole state is impacted by this.

Ms. Lockridge, what are cumulative impacts, and how is the law's failure to consider them hurting our communities?

Ms. LOCKRIDGE. Cumulative impacts are the red dots behind you. The short explanation for what are cumulative impacts, it is death.

It is early death. It is illness. It means that—and it is really unbelievable, and this is where we would really like help from the national level because we have over nearly 7 million people in this country living in the shadow of oil refineries, but there are also people living near pig farms. There are people who are living near steel mills, all types of things that need to be measured with other things going on around them. So cumulative impacts, it is, like, what is it? It is this thing that causes all of this chronic illness.

I have my dear friend Denise sitting here in the audience today. She moved back into the community a very healthy person about five years ago, and now she has chronic respiratory problems, and she has other illnesses that I won't say, but they are all related to moving back into this community.

It means fear. I don't mean the kind of fear that this causes over here, but there is a dis-ease, if you will. If you wonder, when that siren goes off, which we have heard four times over the past year, is it the end, we don't want to become a Bhopal caused by one of these corporations around here where we are literally incinerated in our homes. We live too close to too many things that can go wrong. We have a hydrogen facility in this region that could blow.

So that is what it causes, and it causes—you know, people have houses—most of us, this is a generational community. Many of us inherited the homes that our parents so earnestly worked hard for. To sit there in a worthless house, or to sit there when you see maybe good things happening for other communities, it hurts you to the core because you know that your life is being devalued. That is really the bottom line of this. From the 400th anniversary of enslavement in this country, we are still not fully recognized as full human beings, right? So when you are not recognized, you can do anything to an animal that you would not do to your cousin or your nephew or your niece.

That is what these cumulative impacts mean.

One thing I will tell you for sure, because Marathon has said many, many times that their three percent—they have a pie. We are three percent of all the pollution in this area. Think about that for a second. If they are only three percent and we go through all of this, and there is 97 percent worse, I mean, we are totally doomed.

So we need to jump in and fix all of this as soon as possible.

Ms. TLAIB. Thank you.

Professor Mohai, Dr. Mohai, and Mr. Nick Leonard can also answer. What does it look like if you go through an air permit process, say Marathon or AK Steel? What does it look like if you require them to do a cumulative impact analysis that they would pay for in regards to applying for their permit? What does that mean if it is implemented tomorrow? I mean, I introduced stuff on the state level. But if, on the national level, if we were to do it this way, to say you have to look at cumulative impacts, all of the air permits together, what is the impact together versus looking at them individually as outputs?

Mr. MOHAI. Well, let me begin by saying that part of the current problem we have in terms of lack of adequate policy is we do tend to evaluate sources of pollution one at a time without taking into account what is already there. Communities that are already over-

burdened, we can't simply pretend that a new pollution source will have no greater harm than if we were in a community with a lot less.

I think I am going to defer to Nick Leonard about the other part.

Mr. LEONARD. How I often talk about cumulative impacts is how our air permitting system works. It works pollutant by pollutant, facility by facility, and that is the original sin of our Clean Air Act, which I should point out was created in 1970, long before environmental justice arose as a movement in the late 1980's and moving into 1990.

So what that means functionally is that when somebody goes to get a permit, when a company like AK Steel goes to get a permit, or when Marathon goes to get a permit, they can point to their emissions and say we by ourselves aren't causing air pollution levels that are going to be unsafe or violating any environmental standards.

The problem is our law doesn't capture this problem. It would work adequately if all air pollution sources were equitably distributed across the population. But here what we have is essential problems where we have clusters of air pollution sources in low-income communities of color, and that problem is just completely unaddressed.

So what would it look like? It would basically flip our air pollution laws to finally address the concerns of low-income communities of color, and in a lot of ways it makes sense. Air pollution—if you have an unsafe level of air pollution - it exists whether it is caused by one company or other companies. To adequately address this problem, you need to basically force companies to look at all of the level of air pollution in a community to determine if their emissions are going to be contributing to unsafe levels of air pollution in that neighborhood.

Mr. ROUDA. Thanks. I now recognize myself.

Ms. Shariff, you talked a lot about I think it is five years now that we have been dealing with the Flint water crisis. Obviously, it went on for decades and decades and decades prior thereto. Can you expound a little bit on what you have suggested that the Federal Government can do to address the issue in Flint that really has repercussions well beyond Flint?

Ms. SHARIFF. One of the things that I would like to expound on a little bit more is this idea of Medicare For All. In the 2009 Affordable Care Act, Senator Max Baucus inserted a clause in the ACA that covered the workers in communities in Libby, Montana. They were exposed through a vermiculate mine to airborne asbestos from a mine that was owned by the WR Grace Company, and you had the community suffering and workers suffering from mesothelioma, asbestosis, and other environmental and health issues.

Under that clause, it was immediate. It was Medicare For All, so you did not have to be 65 and older, and it was a national alert that was put out, like, hey, if you lived in this community, this is long-term healthcare. That is something that needs to happen immediately in Flint and in other communities that are suffering from environmental justice issues.

So I really hope that this gets adopted because it is something—what is happening now in Flint, we have kind of an expanded Med-

icaid, and that in itself is very, I would say, kind of prison-y, because you are locked within the state of Michigan. You can't move. You are kind of trapped. You are free to access this sort of healthcare, which is not really all that great because you are within the Medicaid system. So that has its own host of issues where you can't go to a private health provider, you have to go to clinics, you are waiting two to three hours, you are getting abused, and so you have a lot of people who don't even want to expose themselves to being mistreated in the healthcare system. But you are kind of stuck because you may not have the money to even utilize and access healthcare.

Mr. ROUDA. Mr. Leonard, this is a question for you, and it plays on what I just asked Ms. Shariff, and that is, Ms. Shariff, what you were talking about is really addressing the unfortunate outcomes of environmental injustice. Mr. Leonard, can you talk about what the Federal Government can do to help prevent environmental injustice from even occurring, as well as what we can do on the back end as well?

Mr. LEONARD. Of course. So, I think the place to start is developing laws and policies that specifically address the unique environmental issues that are confronting low-income communities and communities of color. So I think it is important to recognize that there are multiple different environmental concerns that communities of color have. We talked a bit about air quality, and so what that looks like is changes to the Clean Air Act to specifically address the concerns that we are hearing about today, to address cumulative impacts. When we are talking about drinking water quality, we are talking about revisions to the copper rule that exists under the Safe Drinking Water Act to make sure that crisis doesn't occur in other cities the way it was allowed to occur in Flint.

But in addition to just talking about changes to laws and regulations and things like that, I think it is also important to mention the process by which those changes occur. In my testimony I talked about how environmental injustice was allowed to happen largely because communities of color and low income weren't there when those environmental laws were created, and I think that is the root of the problem.

So not only do there have to be changes to our laws and regulations to address those concerns, but they have to be changes that are developed basically in partnership with those communities in order to ensure that they are real solutions, not fake solutions that won't address the root of the problem.

Mr. ROUDA. As we all know right now, this is a very difficult time with the President and the current administration not meeting their obligations under the EPA; in fact, even rolling back regulations through administrative action. So as much as we need the EPA now more than ever to step forward and help out, what do you believe our prospects are in getting the EPA to do anything with the current administration and the current president?

Mr. LEONARD. Well, I am not going to sugar coat it. Things are rough under the current administration, but I think it is also important to note that things—I mentioned Title 6 of the Civil Rights Act and the mis-administration of that program. That has occurred under both Republican and Democratic administrations. That has

occurred throughout the years where essentially we have had complaints of discrimination submitted by communities such as Flint, other environmental justice communities throughout the United States basically saying we are being impacted by what we think is a discriminatory decision by our state agency, we need a full investigation, we need help, and the EPA hasn't been there for those communities throughout the years.

So it is important—a lot of these solutions are long-term strategies, and I don't anticipate that they will be there tomorrow or the next day. What I do think is necessary is diligent work to continue to move forward toward a variety of solutions that center on those communities of color and low income.

Mr. ROUDA. Thank you.

One of the honors for both Vice Chair Tlaib and myself is to work under the chairmanship of Elijah Cummings. The Oversight Committee, even though we have a president and an administration who are thumbing their noses at their obligations under the EPA and so many other areas, we have a Chair in Elijah Cummings who is doing everything he can with the committee's support to hold them accountable, and we will continue to do that, and I am thrilled to be with him.

[Applause.]

Mr. ROUDA. I will tell you why it is important, and I am going to hand the microphone to Congresswoman Tlaib in a second. The reason it is important is, yes, you have unique challenges here in these communities, but unfortunately across the United States we have seen corporate polluters take advantage of Americans everywhere, as well as internationally. And even though my district in California, Orange County, is 2,000 miles away, we deal with similar situations. As we saw in the PFAS committee hearing we just had about a week-and-a-half ago, corporate polluters will stop at nothing other than government holding them accountable because they will continue to put profits before people.

Ms. TLAIB. Thank you.

So, we have some questions from the audience. I am going to do—Ms. Shariff, one of the questions is directly to you. What can be done about infrastructure of leaded water pipes throughout Detroit and Wayne County? Millions are being lead poisoned every day.

Ms. SHARIFF. Well, last year the state of Michigan revised its leaded copper rule. With that revision, the lead service lines, at least across the state, will be replaced, and the residents do not have to pay for that. That is something that the water systems have to pay for. But when it comes to internal plumbing and water main replacement, unfortunately right now that is going through the normal process. So I would suggest for at least the water main replacement, for people to kind of get into their local municipalities around the time when it comes for them to develop their budget and to really advocate for those particular dollars to go toward water main replacement. Unfortunately at the Federal level, there aren't large swaths of money outside of the revolving loan funds to go toward infrastructure replacement.

Ms. TLAIB. Before you pass that out, one of the things that we weren't able to put forward because Monica Lewis Patrick couldn't

come, but she was going to talk about water affordability. Can you touch a little bit on that, please? I can do it, but I don't—Mr. Leonard can also do it.

Ms. SHARIFF. Well, it is something that people around the state have been working on for quite a while. Within Detroit, under the leadership of "We the People," they work toward passing an income-based water affordability plan that unfortunately was never fully implemented. That meant that it would be based on your ability to pay. So that would be between two and four percent of your household income; that is what you would actually pay for your water.

How it is now, there is a water fee that is unregulated. Water companies can really charge however much they want to charge for water fees, and then there is the water usage. It is something that we have been fighting for and we continue to fight for, and unfortunately the critique at the state level flies in the face of the Hedley Amendment, and I am sure Mr. Leonard could probably talk more about that. But it is something that people on the ground continue to fight for.

Mr. LEONARD. Drinking water affordability is one of those issues that keeps me up at night, because I think it is going to get worse before it gets better. I mentioned the gross underinvestment in our drinking water infrastructure throughout the country and basically needing to dedicate 20 times what we are currently dedicating in terms of grants and loans from the Federal Government.

So where that burden falls when there is a lack of grants and loans from the Federal Government is it falls on ratepayers. In Detroit already, we have just tens of thousands of people who have had their water shut off, and like I said, it is going to get worse before it gets better unless we have some legal protection for a right to affordable water, which we just don't have right now, and we don't have any political courage at the local level or at the state level currently to take on this issue.

This is not just a Detroit issue. This is an issue that is playing out in communities of color across the country, and it is one that desperately needs help. I mean, like I mentioned, recent surveys in Michigan have found people sort of switching off paying their energy bills and their water bills, people defraying medical costs, people defraying costs for food and stuff like that to be able to afford their water.

We need Federal protection to guarantee a right to affordable water in order to ensure that people have access to this basic human need.

Ms. TLAIB. One of the questions from the audience for myself and Chairman Rouda is with the President rolling back all the clean water protections, what plan of action is this committee going to take to protect the Great Lakes and the vital waterways? That is from Ms. Landrum, who lives in this neighborhood.

Well, for me personally, part of the way we fight back is funding the Great Lakes Restoration Initiative, fully funding it. He keeps rolling that back. And putting resources in the hands of environmental agencies and organizations. But the committee has also held a number of hearings led by Chairman Rouda on PFAS contamination and holding those industries accountable.

But one of the things that people may or may not have missed that Mr. Leonard talked about is the main theme here is environmental racism, right? So the Civil Rights Act was passed over 50 years ago, and in there the core intent was that you could show disparate impacts as a way to access the courts to say you are being discriminated against based on your whatever background, and it could also be based on your source of income. So if you are low income, if you are Wayne County and you are low income and you are a woman, whatever it is, a protected class.

The point is the Justice For All Civil Rights Act, which I am introducing, goes back to the core intent of the Civil Rights Act, because the case law that Mr. Leonard talked about, there are a number of cases actually that really rolled back our access to fight back in this way of saying this is environmental racism, you are only doing this because this is a predominantly black neighborhood or this is a predominantly low-income neighborhood. This would basically allow us to proceed with disparate impact, saying that the impact of the policy, the impact of the funding, anything, resources being pulled in, not having inspectors close by, that that is all based on structural racism within not only the public but the private sector as well.

So the Justice For All Civil Rights Act is the way we do it because, to me, that is going to be transformative. It is not just going to be about corporate polluters but also our own government, which now is not creating a pathway to affordable water, that you are seeing a lot of implementation at all levels of government where our communities, especially communities of color and low-income communities, and many parts of my Wayne County community are not only African American but they are also very, very poor white, Latino communities that are literally not getting access to the same protections that other communities have. So that is another way.

I also think one of the questions that came up was the Clean Air—and by the way, whoever wrote this, this is the best penmanship I have ever seen in my life. It looks like it is typed, doesn't it? That is incredible. Whoever that is, wow.

[Laughter.]

Ms. TLAIB. The Clean Air Act mandates tech-based standards that are “technologically and economically feasible.” As such, achieving maximum public health results in sacrifice zones in favor of plant operation. What regulatory tools are available, and are you willing to use or maybe to shift the balance from industry to the people?

It sounds like this is about basically allowing us to have more of a say whether or not to allow a permit to come into our space and where we live. Nick Leonard did mention amending the Clean Air Act to change the permit calculus, and I think that is the way to do it. I think most of the transformative changes that have happened in our country, from passing the Clean Air Act to getting women the right to vote to civil rights, fighting for civil rights in our country, didn't happen because of something that happened in the halls of Congress, really. It doesn't start there. It always starts with all of you.

Please believe that, that movement starts with you that demands it of us to make sure that you have access to community-based, impact-based air permits to clean water to affordability, to all of those things.

The last question that was part of the stack is a very weighted question because this is something that, as a state representative, Chairman, I struggled with and again continue to struggle with as your Member of Congress. When will we hold Marathon responsible? That is all it says, and it is to Mr. Leonard. It is, it says to you.

Mr. LEONARD. That is a great question, and I think the answer is every day. We have to work to hold Marathon accountable every day that it continues to operate, because it will seek to maximize its profits. It will not inherently have the community's best interests at heart.

I am not going to lie to you, there will be days when you are going to be tired and you are going to think it is not making a difference, but none of these environmental justice victories that I have ever worked on, that I have ever heard about or that somebody has told me about have ever come easy. They have never been, oh, we worked on it for a week and then it was done. You worked on it for years, and you struggled for years, and there are long nights and late nights and all of those things, but eventually you got there. I think it is important to keep that faith and important to realize that you can win and that people have won and that it is possible.

Mr. ROUDA. Now I have a few questions as well. One of the questions was how does the community deal with interacting with corporate polluters? Dr. Leonard, I will direct that question to you.

Dr. LEONARD. How does the community? With your feet and your dollars. Money is power. If you go back to the civil rights era, it was with our money. We didn't buy here. So there was the period of time—and I still don't buy Marathon oil. I don't go to Marathon's gas stations. Other people may, but I elect not to. However, I will acknowledge publicly that I have Marathon stock. I bought Marathon stock so that I can see what they are doing. I get a copy of their annual report, and I read it. I make comments, not necessarily to the company. I don't attend their annual meetings down in Finlay, Ohio. But I read who is being elected. I look at their qualifications. I read what is happening in other areas where Marathon is buying property. So becoming a stockholder gives you a voice, a voice that you can vote. You may not even agree with what is being presented. You may agree with what is being presented. But you can vote.

In 2007, the Sierra Club threatened to sue Marathon because Marathon had asked the city of Detroit to have some finances reduced, give them some money, you do this for us, we will give you some money. The city of Detroit bought into it. They would get jobs. Mind you, those jobs were not going to be Detroit residents. I saw all those people coming in from Texas.

So Marathon had said to the city of Detroit, if you don't let us come in with our expansion, we will go elsewhere. Well, later the city of Detroit found out that Marathon had not approached this other community. It was a dupe.

But the Sierra Club brought in their own lawyers. I was fortunate to sit at the table during negotiations. Marathon brought in attorneys from Chicago. One day, there were five or six attorneys sitting across the table from the Sierra Club Detroit person. There was a Sierra Club attorney from California, myself, and another resident from Melvindale. It was you reduce your sulfur emissions or we will sue you. It wasn't to play chicken. It was this is what is going to happen.

I want you to know Marathon did reduce their planned sulfur output.

[Applause.]

Dr. LEONARD. In addition to that, if I may, sitting at that table at that time, Marathon had indicated they were going to put four fence line monitors around their property, monitors that would evaluate what they were emitting. I asked for monitors at our schools. Our children are vulnerable. Our children, that is our future. Marathon said they would consider, and they brought back a proposal that they would not place a monitor at Mark Twain because of the wind direction. However, we will place one of our four at Boynton School.

So I don't know if you have noticed that there is an air monitor at Boynton School, and you can see it from Conway.

Mr. ROUDA. Thank you.

I have a couple of cards here with questions. One was PFAS is a concern in more places than drinking water, concerns regarding soil contamination and the accumulation of PFAS.

Let me share a little bit more about what we have been doing in this area on this committee, and that is addressing perfluoroalkyl and polyfluoroalkyl chemicals, PFAS chemicals. There are over 5,000 variants of these chemicals. The original ones, PFOS and PFOA, have been mostly discontinued in the United States. But the PFAS chemicals are still around.

The reason these chemicals are so horrific is that they are called "forever" chemicals. They will be around long after all of us pass away, as well as our children, our grandchildren, and future generations. They accumulate in your blood, in your tissue. We had very interesting testimony last week when we had Chemours, DuPont, and 3M address our committee on PFAS contamination across the United States. Some of the stories that we had prior to that with people who had come in and talked about their extreme contamination from these chemicals was nothing short of heart-breaking, much like much of the testimony we heard today from many of you, including Ms. Lockridge.

We know that this is a concern that is not yet being fully understood by all Americans as to how pervasive PFAS chemicals are and how impactful it is going to be on drinking water everywhere. When we look at drinking water challenges—not just Flint, not just Detroit, but everywhere—and the impact of PFAS chemicals, the challenges that the technologies to eliminate PFAS chemicals to create clean drinking water currently is online with reverse osmosis, which is almost like a desalination plant.

There are very few municipal water districts in the United States of America who can afford to do reverse osmosis to ensure clean drinking water. Of course, that is just clean drinking water for us.

That doesn't include livestock, food chains, agriculture and so on. So we know we have a huge challenge, and that is why I am honored to be working with Vice Chair Tlaib and shining a light on this incredibly important topic.

The other card asks when are we going to address the coal-burning plants that form dual threats to the quality of life in Southeast Michigan? I can tell you that it is a threat not just here but across our country and across the globe. We have a president who not only abdicated his leadership in the Paris Climate Accords by withdrawing—and to put this in perspective, when President Trump made the commitment to withdraw from the Paris Climate Accords, there were only two countries on the face of the earth who were not participating in the Paris Climate Accords. That was Syria and Nicaragua, who have since joined the Paris Climate Accords. So the only country that has not made a commitment to the Paris Climate Accords is the Trump Administration, and that abdicated leadership is why it is more important for all of us in this room and for us in our committee work to continue to shine a bright light on these topics and fight like hell, because we have to get to a clean energy environment. Electricity needs to be produced through clean-tech energy.

[Applause.]

Mr. ROUDA. That is why the overriding narrative of this subcommittee's work is on climate change, past, present, and future. What did we know, when did we know it, and why didn't we do anything about it? Present, understanding the true human and economic impact of climate change. And, by the way, it is easy to predict the economic impact, and it is easy to predict the human impact when you literally have to count the number of people who have lost their homes, who have died because of climate change events. What becomes harder is understanding the impact of climate change when you are dealing with the illnesses, whether it is wildfires in California that are causing increased asthma, or the pollution that you deal with every single day, both in your air and soil pollution and the healthcare impact there.

Then we are going to talk about the future and have two very clear avenues, the idea that we can have an apocalyptic outcome or a nirvana outcome, and it is going to take all of us to focus on what we can do to make sure we ensure that we have a safer world for our children, our grandchildren, and future generations.

With that, I am going to turn the mic back to Congresswoman Tlaib for a few closing comments, and then I will do so as well, and then we will adjourn.

Ms. TLAIB. Thank you so much, Chairman.

I want to thank you all so much for testifying. All of you play an incredibly essential role in addressing environmental racism in our country and the fight against corporate assault on our families. That is exactly what it is, and that corporate greed is driving a lot of these policies, and it is not specific policies. Sometimes it is just the policy of doing nothing, just deciding not to do anything. That is also a set policy, and it is so critically important that we elevate the voices of so many residents that are not in this room that are dealing with this on a daily basis, every single day, and now their children.

I want to thank, of course—my state representative just walked in, Ms. Cynthia Johnson. Thank you so much for being here.

[Applause.]

Ms. TLAIB. Most of what we are going to be able to do, not only fighting to restore the Civil Rights Act, to be able to challenge a lot of the injustice that we see in the courts, but also to not only fund the Great Lakes Restoration Initiative but also how do we move, like the Chairman said, toward a cleaner, better way of producing energy and so forth is our commitment, our commitment to the movement work that is outside of the halls of Congress where it is going to have to happen.

More of you, as much as you organize, as much as you believe in clean water and clean air, you have to start taking more and more actions. It is not going to be just talking to each other, which we do a lot, but also picking up the phone and calling. Many of you texted me and called me what happened last week, and I said did you call the EPA? Call the Michigan Department of Environment. We call it EGLE now. I put it out there. I gave people the 800 number. Trust me, when 200 or 300 or 400 people are calling within Wayne County about what they are experiencing, it is documented. It is not like, oh, the Congresswoman is upset. It is, oh, we got 300 calls from residents throughout the neighborhood that are calling. It gives so much credibility to what you are trying to do when you say I can't breathe, I just had an asthma attack, I smell this odor outside of my home. It is so critically important.

Many of you do this already. I used to get the call list. But it is the same 20 people. I am asking all of you, before you leave, see my staff. We have magnets, like we have a right to breathe clean air. If you see anything, please report it. It helps elevate the work that we are doing on a national level if you are holding corporate polluters here locally accountable here, and it is critically important as we proceed to push forward policy that is more humane and more just for all of us.

But again, I can't thank you all enough for helping to put a human face to it. Please know that this is just the beginning. I know from hearing all of you that it refuels me to being even more committed to elevating your voices, but also fighting against environmental racism and corporate greed. But we at the Federal level in Congress need to do more, and we know that, but you all doing this and showing up reconfirms for us, kind of gets us recommitted again to really trying to push forward.

The one thing I have learned—and you all know this. Many of you talk to me about how is it going, it is your first year, and I tell you that there seems to be this lack of urgency, you know? I just want you to know that this makes us feel, like, okay, we have to move quicker. Yes, this is urgent, this is 911, we have to move. I mean, how many times do we need to study the fact that we are dying? We don't need that anymore.

[Applause.]

Ms. TLAIB. So just know that all of your work is so important, and it is this partnership, this kind of level of partnership that is going to be able to get us transformative change for all of us in our communities.

Thank you all so much. I am incredibly, incredibly proud to represent you in the U.S. Congress.

[Applause.]

Mr. ROUDA. I too would like to thank our witnesses for participating today.

The members will have up to five legislative days to submit additional questions to you. We would just ask that in the event that happens, that you please give those answers back to our staff as quickly as possible.

It has been an honor to be here with all of you today. One of the things I always talk about is shining a light on these issues. Like Vice Chair Tlaib, I am a freshman. I have never run for office before in my life. I defeated a 30-year incumbent.

[Applause.]

Mr. ROUDA. I always got asked, I always got asked why do you think you can do more in Congress than a 30-year incumbent? Well, candidly, the bar was fairly low. But that aside—

[Laughter.]

Mr. ROUDA. We have an obligation as Members of Congress wherever we go to remember that we have a podium and a microphone, and that we need to use that podium and that microphone to shine a bright light on the issues affecting our country and our communities, and that is why I am very proud to serve with Congresswoman Tlaib.

[Applause.]

Mr. ROUDA. I will leave you—since Ms. Lockridge used a Martin Luther King, Jr. quote earlier, I may not have it exact, but I shall do my best. Martin Luther King, Jr. said that we and our ancestors may have come over on different boats, but we are all in the same boat now, so let's work together and address the issues facing all of us.

[Applause.]

Mr. ROUDA. Thank you.

This hearing is adjourned.

[Applause.]

[Whereupon, at 3:42 p.m., the subcommittee was adjourned.]

