

**EFFECTIVE ENVIRONMENTAL ENFORCEMENT:
TOOLS AND STRATEGIES TO PROTECT
VULNERABLE COMMUNITIES**

HEARING

BEFORE THE
SUBCOMMITTEE ON ENVIRONMENT
OF THE
COMMITTEE ON OVERSIGHT AND
REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS

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C O N T E N T S

	Page
Hearing held on August 25, 2022	1
WITNESSES	
PANEL 1	
Robert Shobe, Stellantis Pollution Impact Zone, Detroit, Michigan Oral Statement	7
Pamela McGhee, U.S. Ecology Pollution Impact Zone, Detroit, Michigan Oral Statement	9
Daeya Redding, U.S. Ecology Pollution Impact Zone, Detroit, Michigan Oral Statement	11
PANEL 2	
Jamesa Johnson-Greer, Executive Director, Michigan Environmental Justice Coalition Oral Statement	20
Nicholas Leonard, Executive Director, Great Lakes Environmental Law Center Oral Statement	22
Eden Kasmala-Bloom, Public Education and Media Manager, Detroit People’s Platform Oral Statement	23
Dr. Stuart Batterman, Professor, Environmental Health Sciences, University of Michigan School of Public Health Oral Statement	26
<i>Written opening statements and statements for the witnesses are available on the U.S. House of Representatives Document Repository at: docs.house.gov.</i>	

INDEX OF DOCUMENTS

- * Statement for the Record: Rep. Jimmy Gomez.
 - * *Detroit Free Press*, “Dearborn steel plant to pay \$1.35M fine to settle alleged violations;” submitted by Rep. Tlaib.
 - * *Energy News Network*, “Mapping environmental injustice in Michigan;” submitted by Rep. Tlaib.
 - * *Bridge Detroit*, “Poletown residents want legal protections from waste facility;” submitted by Rep. Tlaib.
 - * *Environmental Health News*, “The ‘original sin’ of air quality regulations is keeping communities polluted. But that’s changing;” submitted by Rep. Tlaib.
 - * “U.S. Steel must pay \$2.2M fine, reduce Detroit area air pollution;” submitted by Rep. Tlaib.
 - * Submissions for the Record - Breathe Free Detroit, Ecology Center, and Detroit Hamtramck Coalition for Advancing Healthy Environments document; submitted by Rep. Tlaib.
- Documents entered into the record for this hearing and Questions for the Record (QFR’s) are available at: docs.house.gov.*

**EFFECTIVE ENVIRONMENTAL ENFORCEMENT:
TOOLS AND STRATEGIES TO PROTECT
VULNERABLE COMMUNITIES**

Thursday, August 25, 2022

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

The subcommittee met, pursuant to notice, at 10:13 a.m., at Cooper Room, Wayne County Community College Eastern Campus, Cooper Room, 5901 Conner Street, Detroit, Michigan, and via Zoom; Hon. Ro Khanna (chairman of the subcommittee) presiding.

Present: Representatives Khanna, Tlaib, Krishnamoorthi, and Fallon.

Also present: Representative Dingell.

Mr. KHANNA. The committee will come to order.

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

I now recognize myself for an opening statement.

Let me first thank the extraordinary leadership of my vice chair, Representative Rashida Tlaib, who has been planning this hearing for almost a year, and who, since day one, being on this committee as my vice chair, has said, “We have to hold corporations accountable for pollution, we have to look at the impacts on vulnerable communities in my district, and has just been relentless.

And a stored testament that in two years we haven’t had a field hearing in my district or any other member’s district, but we’re having one in her district. So, thanks, and I am going to [inaudible] and hand it over to her to chair the rest of the hearing.

And I want to recognize just someone who I have the deepest admiration for, Debbie Dingell, who is one of the strongest voices in Congress on bringing production back, manufacturing back, but also on social justice and racial justice. Many of us look to her for her guidance, for her wisdom as a bridge builder. And it says everything that she is here, even though she is not on this committee. She is making the effort for today, and I just want to recognize how much, we appreciate you being here.

[Audio malfunction.]

Mr. KHANNA. So, with that, you know, we are here in Detroit to recognize the voices of residents and activists who are fighting an unjust burden of pollution in the air they breathe and the water they drink.

This morning I met with Mr. Shobe. Representative Tlaib and I were there, and we saw the Stellantis plant. And the fact is that right in Mr. Shobe's back yard you could actually smell the pollution. And it wasn't more than probably a few thousand feet, at most, that that plant was located.

And look, all of us on this panel, all of us, are for bringing manufacturing jobs and good jobs, but that should not come at the expense of vulnerable communities. And there is no reason that Stellantis—now, they're sitting in their headquarters in the Netherlands, so they don't have to live in this community. But they need to be accountable. There is no reason that they can't have mitigation so that there's not awful pollutants devastating that community. And they, at the very least, should be offering to buy the community—the houses there for people who want to sell and get out, and not face that kind of pollution.

So, I know Representative Tlaib has brought this up a number of times, and we will explore it, and, you know, this is a hearing where we are going to take action afterward. It's not just to hear people's voices. And we're going to figure out, with Representative Tlaib's leadership, what we need to do to Stellantis to make sure they're complying with American law, that they're caring about American communities, and they can't have a license, even if they are headquartered in Europe, to do damage to our communities in America. That's not right, that's not fair, and we want to hold them accountable.

The reality is for far too long vulnerable communities have faced pollution as a compounded problem. And that's something I understood from Representative Tlaib, that it's not just the Flint crisis, where you hear, OK, there's not clean drinking water. It's often communities don't have clean drinking water because of lead and then, on top of that, they have air pollution. And on top of that they may have pollution from a refinery. And all of these things add up. And there's a cumulative impact.

And the reality is that, if you're in Warren, Michigan, as the representative was explaining this morning, you may not have the impact there. But if you're in poorer communities, and if you're in Black communities, then it's license to pollute. That's just wrong. That's wrong. That doesn't give people dignity.

And that's really the purpose of this hearing today. It is to explore how we make sure that every community can have air that they can breathe, water that they can drink, and have their kids go out in the back yard and not smell smoke.

I mean, it's not asking for that much. And it's not putting jobs in conflict with the environment. We can do both. We can build new plants and have those plants be environmentally sustainable. That is what this President has done with the Inflation Reduction Act that is talking about clean manufacturing. That's what this President has done with the climate provisions, where he wants to make sure, and the Congress wants to make sure that we are actually having clean air or clean water as we build new jobs.

And I'm a cosponsor of the Environmental Justice for All Act, which would order the EPA to not only require permit applications to submit analysis to show the cumulative impacts of pollution but

would require the EPA to deny permits where applicants can't demonstrate a reasonable likelihood of causing no harm.

I am committed to fighting alongside Representative Tlaib and Dingell to block dirty infrastructure, to make sure we don't walk in decades of further pollution in communities that are considered expendable, which, unfortunately, too many have been in our country.

Currently, there is a proposal circulating in Congress that would make it actually easier to bill polluting facilities that was help—drafted by the American Petroleum Institute. We will be having a hearing on September 15 on that to make sure that those proposals don't become law.

I'll close again with sincere thanks to Representative Dingell for her leadership, and for joining this committee, and her commitment, and to Representative Tlaib for holding this hearing. She's a true environmental justice leader and has been sounding the alarm on these issues in Detroit for decades, even calling for a cumulative impact study after the Marathon refinery fire in 2011.

I am proud to work with both Representative Dingell and with Representative Tlaib. She's the vice chair. And since this whole hearing was her idea, I now hand over the gavel to Representative Tlaib, so she can chair the rest of the hearing.

Ms. TLAIB. [Presiding] Thank you so much to Congressman—or Chairman—Chair—yes, you know I was like, I really don't want to chair it, I want to be able to question and get a lot of these things in the committee, but I really respect that he knows this is my district, and I will help lead this committee in making sure that my incredibly strong and wonderful and beautiful residents are able to be heard, and be able to again forever have this into the congressional Record.

Thank you to—our House Oversight Committee is led by Chairwoman Maloney, and I want to recognize her in allowing us to be able to do these kinds of field hearings. I want to recognize, of course, our chairman for, you know, instantly saying yes and working with my team, and making sure this happened.

Of course, my incredible double-trouble partner when it comes to the fight for clean air and clean water and that's Congresswoman Debbie Dingell, who, even if it is, you know, Cleveland and Cliffs [sic] in her back yard, or if it's Marathon Oil in my back yard, we show up for each other, and we understand that there is no wall or barrier when it comes to clean air. We are all impacted by that. And so, I just cannot thank her for her courage [sic].

And the fact is, when I'm upset she is calm. When she is upset, I'm calm. And it really does work in the best interest of our residents when we are able to advocate on their behalf.

I do want to set the stage of our hearing today with some numbers. You know, 400 million. That is the least—at least how much money, public money, was given to Stellantis. I think I remember a resident this morning saying it's \$423 million.

In 2019 they expanded with that money their Detroit assembly complex. In a city just a few years out of bankruptcy in a state struggling to find funding to fix our crumbling infrastructure, we had more than \$400 million to offer a company that makes billions each year.

Another number: 94 percent. That's—the neighborhood surrounding Stellantis plant right now is 94 percent Black. In order to receive their air permit to pollute more in a Black neighborhood in our back yard, Stellantis agreed to decrease its pollution from its Warren plant, which is about 66 percent White. And again, everyone deserves the right to breathe clean air. But I think it is important to understand they chose our community to pollute more.

Fifteen thousand. That is how much Stellantis and the city of Detroit agreed to provide each qualifying resident living on the Spanito [phonetic] directly next to the plant for home repairs that were supposed to protect them from pollution. Fifteen thousand was an arbitrary decided number, inadequate to pay for the foundation, the roofing, the windows, air filters, heating and cooling upgrades that residents need to be able to be safe in their homes.

Five. That's how many violations, notices the state of Michigan has issued to Stellantis in less than a year, since September 20, 2021, for the air pollution and horrible orders caused by Stellantis's expansion, and failure to properly install pollution controls, which went undetected for over six months. And if it wasn't for our residents' making complaints, we would have never known that they were polluting outside of what their air permit required.

After receiving 400 million in free money, and a license to pollute a majority Black neighborhood, they couldn't even be bothered to install the pollution controls correctly. And residents are still waiting 11 months later for enforcement action by the state of Michigan.

Sadly, this is a story we can repeat in neighborhood after neighborhood across Michigan, our city, Wayne County, and, really, across the Nation.

Thirty-five. That is how many violation notices the state has issued U.S. Ecology in the city of Detroit since 2014, nine of which have been issued since the consent decree was entered less than two years ago, in 2020. Understand this: EPA decided to enforce, call the Department of Justice, and they decided in their consent decree to enforce what they were supposed to protect the public. And since that consent decree, nine violations.

Fourteen. That's how many years residents who live near U.S. Ecology South have been waiting for the state of Michigan to decide whether it will renew the facility's operating permit.

Seven. That's seven violation notices that AK still now called Cleveland-Cliffs in Congresswoman Debbie Dingell's district since 2019. That's how many violations they've gotten. Eight violation notices by a levee company in Congresswoman Dingell's district during that time. Thirteen more violation notices by U.S. Steel and the EES Coke Battery. And I can go on and on, including Marathon Petroleum and, of course, the Detroit Water and Sewage Department in my district over the last three years.

How would you feel about living in an area where you had to breathe air that was contaminated with at least 28 permit violations in the last three years? Talk to someone in 48217 zip code in my district, and you can find out.

I could do this all day and continue to tell you all of this. But one thing I told Congress, Chairman Khanna, is that the system is broken. Because since these consent decrees, for instance, toward

Cleveland-Cliffs—they entered a consent decree in 2015—the deal was thought resolved. Right? They’ve cut a deal they get a consent decree. They’ve had 40-plus violations at that plant since that consent decree.

For instance, in U.S. Steel on Zug Island, on October 2014, as well as other’s consent decrees, a number of them, they have had, at least in the last 10 years, 40-plus violations, as well.

Our current environmental permitting and enforcement systems are sacrificing Black, Brown and immigrant and low-income communities, working class communities, for profits of corporate polluters. We have an urgent moral duty, y’all, to build new systems and structures that put our health and environment first. Permitting systems that fail to take cumulative impacts into account should not exist. Enforcement systems that allow companies to continue racking up unlimited number of violations notices as they continue to do business as usual, again, should not exist.

This should be common sense for everyone to understand, because I’m not — I’m thrilled that you will all get to hear today from these courageous residents who are standing up to mega-billion-dollar corporations. They are in frontline communities fighting for environmental justice, fighting against environmental racism.

And it’s not just here in Detroit, but really across the country. We’re hearing from indigenous communities and other communities that are really being sacrificed for corporate polluting profits. Hopefully, when we do put your—when you do decide, and those listening, to put yourself in the shoes of our residents, you will see the urgency to move quickly to fix these structures.

You’re also going to hear from those residents’ partners in these fights. These are our local experts. These are the folks that come into our community and meet with us and talk to us directly. They’re the lawyers, the organizers, the academics who make our environmental justice movement so strong and vibrant. So, I’m so incredibly thrilled that you are going to be hearing from them.

I’ll end with this. Zero. Zero should be our target. Zero children with asthma from concentration of corporate polluter; zero elders and season residents with cancer from breathing air tainted by corporations under toothless consent decrees; and zero neighbors sacrificed.

I know a better world is possible, and I’ll continue to be that corny, you know, optimistic Member of the U.S. Congress because I know better is possible and that, again, all of us have the right to breathe clean air. And again, it shouldn’t be this hard in one of the most wealthiest countries in the world to push back against corporate profit.

And so, again, I thank you and I yield back.

Ms. TLAI. Oh, I am chairing, right.

I ask unanimous consent to allow Representative Dingell to join our committee, I believe.

I ask for unanimous consent that Representative Dingell be allowed to do—participate in today’s hearing.

Without objection, so ordered.

I’m going to recognize Congresswoman Dingell. Now I do want you all to know I have known Congresswoman Dingell before I became a Member of the U.S. Congress. When it comes to her resi-

dents, there is a fire in her belly that comes out, and it is incredible to watch and witness. And so, we are incredibly blessed to have her there.

If it wasn't for her, we were never have been able to get over \$1 billion to stop water shutoffs in our country. And this \$1.1 billion investment into making sure that people have access to water during the pandemic was because of her leadership on Energy and Commerce Committee. She's a person that cares deeply not only about wildlife and leading that effort, but really about making sure that people that are living in the backyard of corporate polluters are being protected and being taken care of.

And with that, I yield to my amazing, wonderful colleague, Congresswoman Debbie Dingell.

Mrs. DINGELL. Oh, thank you Rashida, for those kind words, and it's really great for both of us to welcome our colleague, Ro Khanna, to Michigan. He really is a fighter on the national stage, and he helps bring attention to all of the issues that we're here to fight about.

And when they asked me if I could come—I have to apologize, I am going to have to leave after about an hour, because the Governor is going to be downriver on another subject that we all care about. But this subject really matters.

I spent the day yesterday just touring sites with the EPA regional administrator. We were in Wyandotte, looking at BASF, who's discharging pollution every single day into the Detroit River. We went to Arkema site, which is just a deserted site, and nobody is doing anything about it. And so we addressed that. We cannot do more things that we want to do in continuing the clean-up of the Detroit River. These are all things I'm going to work on, with Shri on, a lot.

We went to McCloss Steel, we did get McCloss Steel down, but there is still a Superfund site there, and what did I have to welcome her but another chemical spill in my district Tuesday night in Trenton.

Just look at the number of chemical spills that's been in my district alone, this year, the Flat Rock spill, and then a second Flat Rock spill. The horrific spill in the Huron River by Tribar, which is—we can't eat fish in the Huron River right now because of Tribar's PFAS spill four years ago, and now they're putting in another poison into the river. And you know, I personally think it's criminal. I think they need to be held criminally liable. I think they need to be shut down. I'm not hiding how I feel about that anymore.

We have got the plume. There are so many issues for all of us. Rashida highlighted a lot of them in this area that we share, as you all know—it will now become—Rashida Shri, our soon-to-be colleague, is going to pick up some of the areas that we're representing, and he's going to be right there with us because we care about all of these areas, and it is just simply not OK.

And unless you're all loud, right, like you are, if we don't keep pushing and pushing and pushing, we're not going to get the changes that we need. So, I am really—I'm just honored to be here.

The current laws and regulations that we have in frontline communities has left too many behind, and it has exposed too many to harmful pollution.

This is a true story. I was with—I don't know if I was with you, but you heard everybody talk about it. I was in flying school, and I had an asthma attack when we were doing the town hall meeting and had to go out. You know, we hear the kids are having it. I had one. I had to go out and get my inhaler.

From the air that they breathe to the water that they're drinking to the land that they call home, our priorities have failed too many families in the frontline communities and has allowed corporate polluters to continue to put profits over health and the safety of our environment and our communities. This is why I fought so hard to improve the lives with Rashida and Ro for our frontline communities by prioritizing policies. And we got some things done. We have made some progress. It's why I am the lead sponsor in the House of Representatives of the THRIVE Act, which represents a blueprint for economic renewal backed by movement—activists, including unions, racial justice, climate, and other grassroots groups. And we need you to all help us get this legislation through.

So, thank you to everybody that's here, the witnesses that are testifying, and to my two colleagues who never stopped fighting to bring attention to this.

And you know what? We just have to make as much noise as we can so they can't ignore us. We will not be ignored.

Mrs. DINGELL. Thank you, and I yield back.

Ms. TLAIB. I want to recognize these—our witnesses. Our first witness will be Robert Shobe; our second witness will be Pamela McGhee; and our third witness will be Ms. Redding.

If all three of you can, please raise your right hand.

Do you swear or affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Thank you so much.

[Witnesses sworn.]

Ms. TLAIB. Let the record show that the witness answered in the affirmative. The witnesses answered in affirmative. Thank you.

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

With that, Mr. Shobe, you are recognized for your testimony.

**STATEMENT OF ROBERT SHOBE, RESIDENT OF DETROIT,
MICHIGAN**

Mr. SHOBE. Good morning. Good morning, committee members and congressional staff and volunteers those gathered here today. Thank you for the opportunity to speak.

My name is Robert Shobe. I've lived on Benito Street for 27 years. My home is one of the closest to the Stellantis plant, where they assemble and paint the new Jeep Grand Cherokee. My life has been deeply impacted, living next to Stellantis.

Most importantly, I want to share that it's still happening, even after five air quality violations entered into an enforcement process. After appealing to elected officials, decision-makers, it's still happening. I frequently call EGLE. I try to call every time I smell

paint, but I don't go outside as much these days. The last time I called when I wrote this letter was Monday. I've called twice since then the following two days.

There has been no interruption of work. Jeep continues to get sprayed and rolled off the line daily.

This plant is making us sick. I'm a cancer patient. I'm physically disabled. I suffer from COPD. When the smell comes down around my house, my eyes burn. I have a cough from smelling the paint. I feel a tightness in my chest. I've gotten headaches from the smell, and I've been living as a prisoner in my own house for well over a year.

And it's not just me. One of my neighbors shared, "When my eyes start to burn, I start to be more afraid of all the things that I can't smell than those that I can."

Another neighbor shared, "The migraine headaches, the burning of the eyes, and the tightness in my chest, I just don't know I'm out too—I just know I'm out too long. I get that way. But I can't say today is going to be worse than tomorrow. I know yesterday it was too much for me. I was crying."

The psychological impact of not knowing what you are being exposed to and having others tell you it's safe when you and your neighbors are getting sick is really tough, mentally, and draining. I's done some research and have communicated with some experts in the field. I have enough information to know that they have not done a true sampling of the air. They have not done enough to know for certain what we have been exposed to, let alone the potential interactions of emissions.

At a January meeting with EGLE—with the Michigan Department of Human Services and Stellantis, an art teacher from a local soup kitchen asked if it was safe for her students to be outside. She had a young child who experienced an asthma attack in the community garden when the smell was present and was concerned. Brandon Read from the Michigan Department of Health and Human Services responded: "About the asthma side of things, that's a really hard question. I don't think I can make that assessment right now, you know, whether you should have classes outdoors or not. The asthma part of things, those can be triggered by odors. That's one of the concerns we have with the odors."

The unfortunate fact is that those of us live or—those of us that live around the plant have the highest asthma hospitalization rates in the city, nearly double any asthma rates across the state. If the state health department can't make an assessment about the safety of an outdoor class for children, what does that mean for those of us who live right up on it?

This brings us back to the failure of decision-makers to consider us, the people who live around the plant, as they are approving this project, in addition to high asthma rates. Many in the community live in extreme poverty, don't have the resources to protect themselves from the continuous exposure to the Stellantis fumes. That's one of the reasons some of my neighbors and I filed a civil rights complaint in November.

The situation we're living in needs to be considered when these decisions are being made. Our community has been ignored by the city for the last 30 to 35 years. There has been disinvestment in

our community neighborhoods for a long time. Now Stellantis is using tax schemes that will continue to capture funding for schools, library, recreation centers, and other things that would make a vibrant community for the next 30 years—for another 30 years.

EGLE did not consider health issues of residents, high poverty, cumulative impacts of Stellantis and other polluters on the east side like a chemical waste processing company or Lycaste Street and U.S. Ecology. They need to look at the big picture and consider how things will interact.

It is also important to note that, though we have been extremely vocal, we have had very little support from elected officials and other departments and groups who bear the responsibility of long-term exposure to whatever it is we are breathing. The Civil Rights and Inclusion Opportunity Department monitors the community benefits agreement between the city and Stellantis. The only way to file a complaint with CRIO is through the Project's Neighborhood Advisory Committee. In response to a complaint filed by the Neighborhood Advisory, they deferred the issue to the state and noted that Stellantis is in compliance with the CVA. The city's law department has reasserted their compliance.

The Detroit City Council failed to make—take meaningful actions, and it's important to note that Andre Spivey, who was a council member when the deal was being made, is now in jail due to corruption. He failed to represent our interests during this process.

Mayor Duggan has been a major catalyst for this issue we are experiencing. Our community has been disregarded. He has put jobs in front of the health of the residents. Last year at a meeting I attempted to address the mayor directly about these issues. Instead of answering me, he disregarded me and told me that I would be writing him a thank-you note when I sell my house for a nice profit. It's online here for you guys that—those that don't have the letter, this letter.

Rather than address the situation, the mayor has pitted residents against residents as—attempting to shift the focus to blight on our street rather than air quality and health, and Stellantis's responsibilities. We seem to be caught between the state's failure in permitting and monitoring and sampling and local officials' failure to hold Stellantis accountable and defer back to the state. While caught here, we are still breathing fumes, still getting sick.

So, I appreciate this opportunity to share more in an attempt to get better outcomes for my neighborhoods and myself. Thank you.

**STATEMENT OF PAMELA MCGHEE, RESIDENT OF DETROIT,
MICHIGAN**

Ms. MCGHEE. And thank you, Chairman and my Representative Tlaib, and the members of the Committee on Oversight and Reform. My name is Pamela McGhee, and I live a few blocks south of major polluting industries that I will talk about today: U.S. Ecology, a hazardous waste facility, and the now-closed Detroit incinerator, Detroit Renewable Power.

I want to acknowledge that there are a great number of environmental justice issues in Detroit. There are many facilities in the city that are major sources of pollution that contribute to Detroit's

poor air quality, and whose impact is wreaking havoc on the health and environment of Detroiters. They are all environmental injustices, and my hope in giving this testimony is to share more information about community experiences of facilities in my community.

My parents bought their house in 1954, before these facilities were built. The freeway, the Detroit Incinerator, U.S. Ecology, and GM plant were built less than a mile away from my family's home. I believe that the cause of this is from redlining. And racism forced my family to share our neighborhood with polluting facilities and industries of all kinds. There are no protection for my family then, and there are little to no protection now.

My family and I have been here most of our lives, and we all have suffered really bad asthma living here. When my oldest daughter, Jonique, was coming home from school, then 16 years old, she had a terrible asthma attack at the bus stop nearby, and someone took her to a hospital. That day the incinerator was going strong. Jonique is in her forties now, and still has bad asthma attacks and infertility and fibroid problems. The city and state regulatory agencies have done little to address our concern—health concerns.

My neighbor, who lives a half a block from U.S. Ecology has COPD and asthma and can't go outside. She has to close all her windows and has a breathing machine in her house. She takes a lot of medication, and has lived there for over 30 years, and says nothing is getting better.

My oldest has fertility issues. My youngest has hormonal issues. A lot of young women living in the Diggs

[phonetic] apartment throughout my community—and throughout my community have issues getting pregnant or losing a child too early, and they are all located in this area.

Just this last month, one of my neighbors developed seizures. Another neighbor lost her pregnancy to fetal brain disformities [sic]. And I went in for an MIR [sic] because of difficulties myself.

This is 2022. Why is this so? How are our leaders addressing this? We deserve better protection for our women, our youth, and our future generations.

My mom said all this pollution is killing us, yet we weren't paying attention to these facilities back then. Now we can see how it really is harming us. It has affected us a lot. Over the years, you figure out where these medical conditions come from.

Why is it that the place my family has committed to, invested in, and raised families in is not protected like the other communities throughout this state?

Here are some suggestions for policy changes that I have for you.

Step one, strengthen state and Federal agencies' power by regulating—requiring regulations of harmful behaviors from these industries, and shut down facilities that continue to pollute us.

Two, increase their fines for violations.

Three, create mandatory community engagement measures when communities have been wronged.

Four, do not allow permits for any facilities that will bring greater harm to overburdened communities.

For example, the EPA is currently legally obligated to review and revise standards for incinerators every five years under the Clean

Air Act. But the EPA has repeatedly failed to update these standards for us, increasing cancer, asthma, and heart problems to my friends and family. These regulations are vital to protecting neighboring communities from dangerous incinerators.

Our facility shut down in 2019 from years of advocacy, calling out leaking stacks and nearly 1,000 odor and clean air violations. Yet the EPA would have done its job to strengthen regulations back in 2006. It would have saved so many lives.

In 2020, our small 8x6 block Neighborhood Associations located one mile downwind from the Detroit incinerator lost over 22 members to COVID, even though the facility shut down. The lack of regulations to this facility caused a lifetime of respiratory and cardiovascular problems that my community still lives with.

COVID hit us hard because the EPA did not do its job regulating facilities like these, causing us to breathe in small particles of trash. The EPA were to have regulated incinerators 16 years ago we may not have lost so many of our neighbors [sic]. It's horrible to let polluting facilities operate without stronger and more meaningful oversight on Federal and state levels.

Communities like mine have been waiting far too long for updated regulations, and no community can afford to wait any longer.

Thank you for allowing me time for me to speak and share my experiences with you today.

**STATEMENT OF DAEYA REDDING, RESIDENT OF DETROIT,
MICHIGAN**

Ms. REDDING. Hello and thank you, Chairman Khanna, and Representative Tlaib, and Mrs. Dingell, and the members of the Committee on the Oversight and Reform. My name is Daeya Redding. I'm Pam's daughter.

I was born and raised in Detroit, and I currently work to increase the environmental health and biodiversity in our neighborhood. I am also a lifetime sufferer of asthma.

Try to envision this. You wake up in the morning and start your day as usual. You are brewing a cup of coffee, getting ready to walk your dog, or simply stepping outside for fresh air. Suddenly, the air isn't as fresh as you were expecting. It's rotten, metallic, and fishy. It's blatantly unhealthy, and not of the crisp and clean perfume that Mother Nature emits. Well, that's my reality.

For decades, Detroiters have fought against corporate polluters who have profited off using our neighborhoods as their dumping ground. U.S. Ecology Detroit South, a hazardous waste facility, has been constantly among the worst of these polluters.

I was working this past Friday at Arboretum Detroit, located a mile east of U.S. Ecology, and the air started to stink. We were working with volunteers from outside the neighborhood who were unfamiliar with industrial air pollution. We reported the foul odor to a state of Michigan EGLE representative, but we had to continue to work through the smell, exposing ourselves and our volunteers. U.S. Ecology will likely get a violation, pay a nominal fee, and continue to operate as they do.

Odors are not just bad smells. Odors are often volatile organic compounds, or VOCs. VOCs can have a range of bad health effects, from lung irritation to cancer.

In addition to odors, residents are affected by the dust and particulate matter from the facility. Particulate matter is so tiny it can get lost into lungs, air passageways, and even the bloodstream. It is the major cause of premature death due to air pollution. Exposure to particulate matter can cause lung irritation, difficulty breathing, asthma attacks, increased lung function, heart attacks, and premature births and low birth weight.

These facilities should be required to shut down until their odor and emissions issues are fixed. It was this pollution that made our community more susceptible to COVID-19. Community members already suffering from asthma and respiratory illnesses were hit the hardest.

U.S. Ecology has received over 25 violations, a consent order, and a pause on permit renewal. Yet they continue to have odor problems almost weekly. In order for them to operate, they have to pollute us. And there was no agency that will use their power to stop them.

The current policies, laws, and regulations of these polluting industries allow facilities to pay to pollute and continue to operate while harming us. Therefore, turning us into a sacrifice zone.

We want polluting facilities to stop all operations if they cannot fix their pollution issues, as we are paying for their pollution with our lives, our children's lives, our bodies, and our futures. EGLE and the EPA are not doing enough to regulate their operations.

Our infrastructure fails our communities, as well. These facilities bring trucks into our community and tear up our streets. It is a danger to our community to have hazardous waste trucks full of liquid running over five-foot potholes. These roads should be first to be repaired to prevent serious environmental disasters.

U.S. Ecology also disposes of its liquid waste into our municipal sewer system, and our pipes are in need of immediate repair. The door—the odors from the discharge travel into our homes through the open sewer lines, and seep into our groundwater and soil through cracked pipes.

Infrastructure renewal should be prioritized in communities like mine. Continued use of bad infrastructure, a lack of regulations poses a great concern to our health and environment.

We have urged EGLE, the EPA, and our city council to demand better operating procedures within our community. We received support from State Senator Chang, State Representative Aiyash, and Congresswoman Tlaib to establish a health community agreement to work directly with the facilities and the residents, and work on solutions together. Yet there are no legal obligation for a health community agreement. We have fallen on deaf ears, and our odor issues and health concerns continue for another generation.

Our Federal, state, city, and county regulations fall short of protecting our health. This problem should not rest solely on the residents harmed. We need stronger regulations to protect communities like ours. The state of Michigan does not consider cumulative health impacts on residents when siting polluting facilities, and this neighborhood—residents still have the pollution of the incinerator in our lungs and in our bodies, as well as pollution from two freeways, U.S. Ecology, and other area facilities.

The odor issues and health concerns continue in our community, and we have exhausted all our options to pursue justice. The laws regulating environmental agencies need to be strengthened to protect our communities, not industry profits.

Thank you for allowing me to—time to speak today and share me and my community’s reality. Before I end my speech, I want to end with a quote: “Humanitarianism consists in never sacrificing a human being to a purpose.” Thank you.

Ms. TLAIB. Thank you so much for your testimony.

I do want to recognize we have been joined by our EPA Region 5 administrator, Administrator Shore, who has joined us.

Thank you so much for being here.

I now recognize Congresswoman Debbie Dingell for five minutes.

Mrs. DINGELL. OK. I want to thank all of you for your testimony.

And I—there’s just a repeated thing that nobody is listening to you.

I also—I am going to ask each of you some different questions, but I am not sure that you even really know where to go. Is it the Federal Government with EGLE’s role? What is the city doing, and does anybody care?

So, I wanted to ask you first, Mr. Shobe. Could you speak to what you think the process should look like?

And I want to give you the opportunity to expand on your opening statement regarding the state and Federal response to the consistent issues at the Stellantis plant.

And is there anything else you want to share about your experience, and what you think the process should be to help address these issues?

Mr. SHOBE. I think this process should be looked at totally different than where we’re going.

To start out with, everything is based off of finance instead of people, you know. For instance, can we get a job? Can we do this? We need the state and the Federal Government, as far as EGLE, EPA, to step up the standards as far as the policies and procedures, because they have policies that allow them to not consider people in the process. They consider an area. There’s no way of looking and saying, well, this area, we can do this, instead of looking and saying, OK, we have people within so many yards of this, we have so many people, so many feet.

We need to have something in the line of, you know, consideration for human life and long term, like the quality of life. I mean, when you’ve got people that can make decisions and stand back and say, well, it’s a certain threshold, you know, when we understand people are individuals, so different thresholds affect different people differently, so we need to strengthen the thresholds and the policies that they use to determine to agree to make a permit, allow this type of facility to exist near people.

And on the governmental level, administration, I really don’t know, other than people getting more educated and really vesting the people that we vote for, and make sure that they have our interests at heart truly, instead of just, you know, having a job, or trying to make a name for themselves, or whatever their agenda may be, because we have too many people that are against—glory hogs, or whatever. They’re not concerned for humanity.

And if I may—this is not in your question, but my thing is this right here. Any municipality or part of government should not be ran as a business, period. The municipality is for the people. Our money is for—it's supposed to be about taking care of us, and making sure we have our needs, not catering to these corporations and to a dollar, if that answers your question.

Mrs. DINGELL. It does, thank you.

I do not have a lot of time, so I am going to ask both Ms. McGhee and Ms. Redding this question: Can you explain for the committee? How does it feel to live next to a hazardous waste facility, and what information is shared about what the materials are that are being processed at the plant, including the processes they use, what emissions and releases are you subject to, and what policy changes do you want to see?

[Pause.]

[Audio malfunction.]

Ms. REDDING.—extremely disrespectful to live by a facility like this when you are a at-risk person. I struggle with asthma really bad. I've had like four bronchitis attacks before.

And when I—like I said, I step outside, and I am expecting to breathe in fresh air, and it's not fresh. And I just picture the people who run the facility or the people working in there just doing their jobs and not having any idea about what they are doing to the people that's really around them.

So, in my honest opinion, it is very disrespectful to how it feels, and I have been told that they burn hazardous waste stuff, things that you can't throw in your normal garbage can because it is toxic. You know, there is things that are literally being burned in there, and it is going into the air, and everybody's breathing it right back in. So, it's meant to be thrown out, but I feel like it's not meant to be thrown out in residential communities. It's not meant to be disposed of where we are at. It's just blatantly disrespectful for human life.

And I would love for future Federal Government and corporations like these to have some more empathy and sympathy for other people. That's it.

[Audio malfunction.]

Mrs. DINGELL. —close down. And nobody would have ever thought you could do it. So, it shows where action can—If you stay focused, you can make a difference.

[Audio malfunction.]

Ms. MCGHEE. Like I say, my family has been living in our neighborhood since 1954. All of us have had some type of health—cardio aspect or respiratory stuff in our neighborhood.

My concern is the future generations of people because we have new people come into our neighborhood. Even them are starting to see effects. So, it's a medical thing; warning anything here than some companies making profits. Come on, guys. You have got to help. You all got to stop this. Our neighborhood specifically is so poisoned . Anybody come in our neighborhood first say, oh it smells—they just cannot believe it smells like it does.

I have had a—I have so many bad headaches. So many, bad headaches. I know that it has got to be associated with that. It's got to be.

So please, would you all just really consider what we are saying to you all, and look at it from our point of view? Just don't go back and, oh, those people just talk. Pay attention to us, please. Please listen to us. Please, listen to us.

[Audio malfunction.]

Ms. TLAIB. Thank you so much for our witnesses. I am going to recognize myself for five minutes.

I want to thank you all so much for continuing to give credibility to members like us that continue to say that we have to do something about accountability.

I do want to ask you, Ms. McGhee, I mean, it took a long time to shut down the Detroit incinerator. And something that you talked about, which was the impact and the harm on the residents, happened. It's not something you take away. It got shut down, but not before it actually hurt communities. And you talked about infertility. You talked about asthma attack of your daughter at the bus stop.

What's alarming is I still remember Detroit Incinerator getting tons of violations, over and over again, people calling. So now I look at U.S. Ecology, Ms. McGhee, has been allowed to rack up a lot of violations by the state, violation notices after violation notices, and just continue operating.

I want you to talk about what does that—I mean, what does that say about our structure?

And I know the state gives them a violation, but they continue to operate, and now they want to renew their operating permit.

[Pause.]

[Audio malfunction.]

Ms. MCGHEE. Operating with all of these violations, it's clear nobody is really questioning them about them, not to mention they tear up the streets, too. They tear up the streets. St. Alban is so raggedy, it's like—it is like you say, five-foot potholes on it where, when these trucks go down, they getting down into—you know, I mean, it's not—you don't have to be a rocket scientist to figure that out.

And they also come past our house. They turn into the neighborhood, where people are actually at, and all of that stuff be just dripping down the street with them. So, you got all this here in the middle of your—in front of your house, all this slop, whatever, and it's there. So—

Ms. TLAIB. I remember in Southwest Detroit, thinking that smell was normal, honestly. Growing up there, you know, growing up, you thought that many trucks, that smell, everything is normal. Your friend got asthma, normal. You don't realize it was, you know, hurting us. And not only your public health, but even getting into our DNA and, you know, impacting, you know, issues with how our children are learning.

Ms. McGhee, when I was in southwest, and like Marathon or Rouge plant was getting violations, I never knew. And then, when they get the violations, do you ever get notified what happened?

Ms. MCGHEE. No.

Ms. TLAIB. You don't? I mean, Mr. Shobe—I really appreciate you showing us and having us come to your home this morning. But they have got some—a number of violations. They were actually op-

erating for months, almost six months, Stellantis was operating without implementing the correct equipment there to reduce the VOC output, and they got violations but that they continued to operate. Are you being notified of any accountability for that to happen?

Because it already happened. You were harmed, all of you. And I just feel like there is no sense of accountability.

Mr. SHOBE. The answer would be no. Even now, you just mentioned something, and this is something that—it just crossed my mind because, according to them, in order for them to fix the problem at the Stellantis facility, it is going to require some more permitting. They have already done something. So, they are looking to go into some more permitting. So, this is an opportunity right now, if we can do something to stop this mess from continuing on people, because, I mean, if you got an issue, and you know that this is—do something to mitigate it before you get to this point.

Ms. TLAIB. Mr. Shobe, you all tried to contact the company, right? You tried to give them a petition and talk to them. Because right now they are violating their own air permit, right?

Mr. SHOBE. Yes. Well, the thing is that we—you are correct, and they have denied us, they sick security on us, they found out when we was coming, they've done all types of stuff. We tried to drop off a petition to them.

The next thing is it's still being stated that they are in compliance. And how are you in compliance when you have missed a major thing—you have vented VOCs into our community. So, if they're still in compliance with this type of stuff, we need to change the thresholds and the policies as far as what is allowed to be put out into our environment, period. Because if that's what's in the threshold—here it is.

There are some people who have done the numbers on it. I am not going to say, because I can't remember totally verbatim. But at the same time, you created a situation where you sent VOCs into our environment for six months. We're talking about tons and tons that were not planned to be there, and you—

Ms. TLAIB. And they never notified any—they never notified the state or city or any residents that this was happening, correct?

Mr. SHOBE. They only—

Ms. TLAIB. And why did we find out about it?

Mr. SHOBE. They only found out because of us complaining and calling, and continuing to complain and us having issues, you know. And, you know, for that to happen is just unacceptable.

Ms. TLAIB. Six months.

Mr. SHOBE. Exactly.

Ms. TLAIB. I will—Ms. McGhee, you know, we were out there doing a press conference about the hos—you noticed all of a sudden, they started cleaning around the plant with the—and I thought to myself, do we need to have maybe some fake press conferences for them to actually care?

No, really. U.S. Ecology begins to do this, and I thought to myself, "Do they do this all the time?" And Ms. Redding said, no, this is the first time she has ever seen them water the ground.

Yes, Ms. Redding?

Ms. REDDING. Oh, OK, I would like to also add something. I also suffer from migraines, and I started to get at 15.

[Audio malfunction.]

Ms. REDDING. I am 22 now. And for a couple of years, they calmed down, and I wasn't having them frequently. But in—I am going to say 2019, I was staying with my sister for about nine months, and she lives in Dearborn, so I'm far away from home. And I stayed with her for nine months, and there was no headaches, not one day out of those nine months. I came back home and I'm going to say it didn't even take two months of me being home for me to start having a migraine attack again. That's how quick that those VOCs and that air pollution affected one person in the neighborhood. I came from clean air to that air, and I got affected that quickly.

Ms. TLAIB. Now I want to thank you all so much for your testimony.

And I just want you all to know how important it is to talk about the human impact, because sometimes we talk about these in the scientific, or the formula that the structures are in place, or, you know, some of our local electeds will only want to talk about the jobs, but we all know jobs don't fix cancer, or respiratory issues, or some of the issues that many of our families are going through. So I thank you again.

With that, I recognize our chairman, Ro Khanna, for five minutes.

Mr. KHANNA. Thank you, Madam Chair. Thank you—

[Audio malfunction.]

Mr. KHANNA. For the moving testimony. Particularly as someone who has asthma, I was struck and moved by your testimony of your 16-year-old daughter having a major attack. And I imagine it was very traumatic, and how scary that can be.

Mr. Shobe, we—I was at your house this morning, got to smell firsthand the pollutants coming. Can you tell us what you would like to see this committee or Congress do with regards to Stellantis, so we can get some action and some relief to people who are being—suffering from this pollution?

Mr. SHOBE. If I could—yes, I can.

First and foremost, I would like to have them fix it. And we've got to change the thresholds of what is being accepted to be put in our air. We've got to change those numbers. Those thresholds are too high, you know.

And the next thing, as far as I can see—I will share the same thing with you I shared with you this morning—when you put something that close to people that's that volatile, there are things over there that, if they get out, there is no chance for the people over there. We're too close, period. I—my suggestion is that you buy out that block with a—replace that block and relocate the people, create another burn, put some more trees in there to protect the rest of the surrounding communities, and make sure that they put all the proper devices, pollution controls, and things of that nature in that facility before they start running it again. Because, well, I won't say start running, because they have never stopped. They have been precluding us [sic] from the time that they started. And that would be my suggestion.

Mr. KHANNA. Thank you, Mr. Shobe. Well, we will followup as a committee, with Representative Tlaib's leadership, and make sure that we're getting something to Stellantis that they are going to have to answer. Because when we have something go from the committee with the stamp of the committee, they can't just ignore the U.S. Congress. So I want to assure you that we will take your suggestions and followup.

And, you know, I saw firsthand—I wish everyone on the committee could see how devastating it is to that block. I mean, you're—literally, you can throw a baseball to the plant, and you can see and smell all of the pollution.

Ms. McGhee and Ms. Redding, you both testified candidly that the EPA isn't doing enough. And I think it is important—I respect our regional administrator, but I think it is important for the EPA to hear that they need to be doing more. What more should they be doing?

[Audio malfunction.]

Ms. MCGHEE.—suggestions that I gave—the four suggestions that I gave would help, with like strengthening the state and Federal agencies, and creating a mandatory community engagement, one, like, being the community hosted agreement that we're trying to establish with the U.S. Ecology, and things like that.

Mr. KHANNA. Ms. Redding, did you have anything on that for us?

Ms. REDDING. Yes, just everything everyone else is saying, just more regulation, better regulation, and to please take what these facilities are doing seriously, because it is not light-hearted stuff. They are not light-hearted smells. They're very serious, and they're very present, and it causes a lot of apprehension when you smell them, and they're affecting us.

So, yes, everything that everyone else is saying I would like to be put into action.

Mr. KHANNA. Thank you.

One final question for all three of the panelists.

Ms. McGhee, you talked about your parents buying the home back in 1954. I think we have to speak bluntly and candidly about the issue of race, and what that means in terms of the—where these pollution sites are located, and the neglect and the indifference to allowing the pollution to continue.

Could each of you talk about what role you think race has played in allowing this pollution to impact communities, particularly Black communities?

Ms. MCGHEE. Our neighborhood consists of a lot of Black, low-income people. But in the last maybe about 15 or 20 years, our neighborhood has an influx of new people in our neighborhood from all over the world and stuff like that. And since they have been here, they have been living with this, and they see the problem. And out of 15 or 20 years now, you can—you'll see that that is affecting you, which is what is happening. And it is engaging all our neighbors.

We have a beautiful neighborhood, I have to add that too; a really complex, different array of people, and we all are very concerned about our neighborhood. And so it's like a new day, so to speak, where we're all rallying together to make change in our neighbor-

hood and mainly we—the environment, because that is our biggest, biggest, biggest problem, is those industries in our neighborhood.

So—

Ms. REDDING. I went to school in the suburbs. In all technicality, I went to school in Ferndale High School. These smells are not there. They don't have these problems there. I don't walk down—when I walk down the street there, it's houses on every side, you know, where businesses and—I don't see plants over there.

And I feel, like my mom said, in our neighborhood, the new neighbors that are here, and they're focused and they are paying attention to U.S. Ecology being there, they're wondering why for so long they have stayed here, and why they are here.

And if you—like, Rashida, you would see—when you come to our neighborhood, you see the houses, you see the homes, and then right in the middle it is just a huge plant right there in the middle of all these families. It's odd looking. It looks like it is not supposed to be there.

So I would say race has a big part of it. Like I said, it is—we're in the sacrifice zone right now. We're being sacrificed to help big corporate companies profit. And yes, it is a big racial issue because these are not—this is not happening in any other community that is of different race than ours.

[Audio malfunction.]

Mr. SHOBE. Race plays a major factor. I think it's one of the biggest factors in why they put that plant—or they expanded into our community. I'm going to be blunt. Gentrification has been going on across the United States for the last 20 years. This is one of the last cities that they attacked because of the majority Black ownership, and all of the stuff, the history of the city. The emergency management situation basically set us up for gentrification. Without that, it wouldn't have happened, flat out.

So, I mean, I'm a cynical thinker, but I do deal with facts, and the facts are out there. If you want to do a little research, you can see exactly what is going on in certain communities around the city of Detroit.

As a kid, I lived in San Francisco, California, in a town called Visitation Valley for a short period of time—it's a suburb—for a little over a year. I go back and visit from time to time. I lived there from 1971 to 1972. The house that I lived in for the—or the apartment, the condo, basically, I lived in, it still looks the same. The school is still the same.

There are actually areas of the city of Detroit that are the same as they were 50 years ago, other than some improvements. My area has been cutoff across the board for years for that facility and for other things.

Racism plays a—us being Black plays such a big factor in this, it's, it's—I mean, you can—there's tools out here. You can go and look at the numbers and the percentages of the education, the level of income, and everything. You pick areas like this to pick on, period. And this area is 94, 95 percent Black. The home ownership over there, at one time it was probably 85 to 90 percent Black owned, you know. So there's been some policies and procedures put in place to get some people out. And that is basically what is continuing to happen.

I look at this as a prelude to gentrifying us out of there, flat out, I mean, because—I'll share this, and it may not be on point, but, you know, you have got this so-called big, beautiful facility that looks like a prison to me, but they want to paint it up and do different things. You can put whatever you want on a toilet, in a toilet or on an outhouse. It is still going to be the same thing. It is still going to be spewing out the same type of things.

And this is the basis for what's all about. I mean, because I feel like they are going by attrition. They've been trying to get this property for the last 30 to 35 years. My mother was a schoolteacher at the school approximately six blocks down. She is dead now, God rest her soul. But in the nineties, the Chrysler Corporation was in negotiation with the Board of Education to buy out all the way down to French Road. These people make long-term plans, and hey, they'll wait us out—attrition. So, slowly but surely, they are pushing us out of here. That's what I think.

Mr. KHANNA. Thank you.

Ms. TLAIB. Thank you so much to our witnesses for appearing here in person. Our panel one witnesses, thank you so much.

We are going to transition now into our second panel. I want to thank you again, and again, I really appreciate you all giving the resident perspective.

With that, I now would like to invite our witnesses appearing in person for our second panel to approach the witness table.

The committee is reconvened.

I would like to now introduce our second panel of witnesses. These witnesses will accept questions from their—we're going to accept questions from their testimony.

Our first witness will be Ms. Jamesa Johnson-Greer, second witness is Mr. Nicholas Leonard, third witness is Mr. Eden Bloom. Our final witness will be Professor Dr. Stuart Batterman.

If you all may, please raise your right hand.

[Witnesses sworn in.]

Ms. TLAIB. Let the record show that the witnesses answered in the affirmative. Thank you.

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

Before we do, I do want to ask for unanimous consent to submit the maps and graphics that we have displayed about the concentration of pollution in our neighborhoods for the record. Without objection. OK. Thank you.

Ms. TLAIB. With that, I would like to now recognize Ms. Johnson-Greer for five minutes.

STATEMENT OF JAMESA JOHNSON-GREER, EXECUTIVE DIRECTOR, MICHIGAN ENVIRONMENTAL JUSTICE COALITION

Ms. JOHNSON-GREER. Thank you. Thank you. I would like to thank you again on behalf of myself and Michigan Environmental Justice Coalition for having us. And I would like to say that hearing the voices of impacted communities who work along—and folks who work alongside them is critical to the policy changes that we need in order to dismantle the deep inequity that exists in our current laws and regulations.

As we heard from Ms. McGhee, this starts with understanding the discriminatory practices of redlining and root causes of environmental justice.

For example, I tell this story often, but I was asked to do an exercise where I explain environmental—my environmental justice work to my ancestors from 100 years ago. And I found that it was not that difficult to explain because Black people are still living in areas with the poorest air quality, in close proximity to industry, wastewater treatment facilities and landfills, even as we heard today. And still fighting to be treated equally by the law, I might add.

The fact that the issues from 100 years ago are not that different is evidence that Black people, and so many other people who have been discriminated against on the basis of race, have been living in a public health crisis for generations.

To put it simply: environmental racism is an issue that impacts not just one or two generations, right? As we saw today, it's multi-generational in its reach and its impact is still being seen today.

So, I have a few suggestions. Our government has to address generations of policy—unjust policies and practices that have resulted in environmental racism. We have to address the fact that these have been systemically cited, polluting facilities, including industrial pollution and industrial plants, right, near the communities of color and low-income people in this country.

We have to do everything within our power to protect environmental justice communities' ability to speak for themselves, and that includes the National Environmental Policy Act, NEPA, right, so the early and meaningful participation of communities to weigh in on how a project will impact them is critical.

This should not be taken away in the name of expediting projects. We also need to see that cumulative health and environmental impacts are incorporated into permitting processes, that communities already overburdened by pollution, just as we heard today, will not be inundated with more pollution, and that applications for permits can be denied in such communities.

There is examples of this type of legislation that has been enacted in New Jersey, for example, that could be a good model for other places throughout the country, including our state here in Michigan.

We need to move toward mandatory emissions reductions. This will require that greenhouse gas pollution is reduced, and it will drastically improve the health outcome of environmental justice communities. I mean, directly improve the health outcomes of environmental justice communities.

And, last, I am going to say that I urge Congress to amend and strengthen Title VI. We heard from the South Beniteau residents that they filed a Title VI complaint, the need for us to continue to have that avenue for legal remedy against discrimination, specifically thinking about the prohibition of discrimination based on disparate impact, because that is what we're seeing here.

That legal standard would make a huge difference in the way that the quality of lives that we are hearing about today have actually played out.

And then, last, I will say that environmental justice communities are living with the ills of legacy pollution, redlining, and a regulatory regime that honestly has been created to be blind to social and health impacts of its decisions. The impacts of climate disruptions, plus the prices of environmental injustice and the policy gaps that facilitate it, mean that environmental justice communities once again will bear the brunt of the harm as sacrificed communities. And we simply should not be sacrificed.

The priority should not be profit. Just as we heard earlier today, the priority should be reducing impact to environmental justice communities immediately and building a foundation to reach our climate targets through equitable solutions.

Thank you.

Ms. TLAIB. Thank you. And I will note that Ms. Johnson-Greer is the executive director of the Michigan Environmental Justice Coalition.

With that, I will recognize Mr. Leonard for five minutes.

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

Mr. LEONARD. Thank you for having me. It's great to be here, and it's great that you all are in the heart of an environmental justice community to experience what residents experience on a—on a daily basis. It's incredibly important to ground yourselves in that with experience, and so I want to acknowledge that. It's great that you are here.

And in that spirit, I have the privilege as the executive director of the Great Lakes Environmental Law Center to work very closely with environmental justice residents throughout the state of Michigan environmental justice advocates [audio drop] throughout the state of Michigan.

And so I wanted to ground my comments in sort of three critical communities that we've worked with recently, in Benton Harbor, the residents around U.S. Ecology in Detroit on the east side, and the residents around Stellantis, also on Detroit's east side.

And in each of these communities, unfortunately, our government agencies haven't taken the steps to protect residents. In Benton Harbor, residents lived with high levels of lead in their drinking water for three years before Government stepped in and provided the robust response that those residents deserved.

Around U.S. Ecology, the state permitted the U.S. Ecology north facility to undergo a ninefold expansion in their hazardous waste storage and treatment capacity and failed to consider the fact that Michigan leads the Nation in terms of disparate siting of hazardous waste facilities in communities of color. In Michigan, 65 percent of residents that live within three miles of the commercial hazardous waste facility are people of color, despite being only 25 percent of the state's total population.

And then, in regard to Stellantis, residents begged for the state to conduct a cumulative impact assessment before approving three air quality permits that authorized significant expansions of Stellantis' Detroit assembly complex.

And in response, the state flat-out dismissed those claims, making comments such as we did not conduct a racial or economic de-

mographic analysis of this community before making these decisions. It did not consider the fact that, as Mr. Shope pointed out, the residents—the community nearby has the highest rate of asthma in the state of Michigan.

So clearly there's—there's something missing here, and I think it is important to note that for many of these issues that I have just highlighted we're either failing to make progress or sometimes going backward. Regarding disproportionate siting of hazardous waste facilities in communities of color, a 2007 study found that Michigan was the worst state in the Nation in terms of locating those facilities in communities of color, and specifically found that 65 percent of people living around those facilities were people of color.

When we did our analysis regarding a Title VI complaint in 2020, that number had remained unchanged, so essentially in decades the problem had continued unabated.

Regarding Stellantis, Mr. Shope I thought put it very, very well. They failed to consider us is what he said, and I think that's exactly right. They failed to consider the fact that it was, I believe, a community heavily made up of people of color, a community that had the highest asthma rate in the state.

Those things just didn't enter into the analysis, and they need to in order to protect those residents. And if they don't, you see what we see in Detroit right now, which is not only—the asthma disparity for Detroit doesn't—is getting worse.

And what are the—what are the solutions here? Well, I think it is a couple of things. First, air permitting needs to consider—really, all environmental decisions need to consider the cumulative impacts of environmental risks that residents are living with. And that—that impact analysis must acknowledge and account for the continuing role that race and public health conditions in those communities play in those communities' well-being.

The state of Michigan shouldn't be able to say we're not looking at the race of this community, we're not looking at the fact that it has the highest asthma rate when making a decision that is going to continue that legacy of environmental injustice.

And, you know, I'll underscore a point that Jamesa just made, which is that, you know, these instances of environmental injustice are a legacy of our Nation's really horrid policies regarding race be it intentional race-based discrimination.

And unless we take really strong, decisive, affirmative action—and “we” meaning all of us, you all, the representatives as advocates—it's going to be our legacy as well. And if we don't address—take that kind of action, then the next generation of activists, the next generation of congressional representatives, will be here talking about the same things, working on the same issues.

Thank you.

Ms. TLAIB. Thank you.

I now recognize Mr. Eden Kasmala-Bloom for five minutes.

**STATEMENT OF EDEN BLOOM, PUBLIC EDUCATION AND
MEDIA MANAGER, DETROIT PEOPLE'S FORUM**

Mr. Bloom. Thank you. Good morning. I want to thank the environmental subcommittee for this opportunity, but I would also like

to recognize the environmental justice neighborhoods throughout the city of Detroit.

My name is Eden Bloom. My family and I live in the impact area of Stellantis Detroit Assembly Complex, and I also serve as the public education and media manager for Detroit People’s Platform. DPP is a Black women-led organization that’s been active since 2013, and part of my work is organizing for better outcomes for Detroiters impacted by large public-funded projects like Stellantis.

So I’m covering environmental justice issues, but also economic justice issues, and as a parent in the area speaking.

Last year our oldest, who’s in the middle—in the room with me, as a middle school project wrote to Governor Gretchen Whitmer about living near a paint plant. And in the letter, he asked, “Have you ever smelled fumes? Have you ever been outside for too long that you can’t breathe? Do you know what it is to suffer? Well, the Beniteau residents do. The FCA plant, which is formerly—is now Stellantis—creates Jeeps. It’s a big plant, and people are suffering, especially on the streets closest to the plant.”

As a parent, when it was announced that we’d be living near a paint plant, my initial thoughts were what it would mean for our three kids and for their development and, frankly, their life expectancy. An article from Planet Detroit answered some of my concerns.

It reads, “Residents in the neighborhood around Stellantis suffer a high number of serious asthma cases, and some suspect that the high pollution levels are linked to a life expectancy of 67.8 years, which is among the state’s lowest. Residents 20 miles north are expected to live 87 years.”

The article goes on to share that those born in Oakland County, which is north of us, on average live nearly 10 years longer than Detroiters. I think about what that means for my family constantly, but I’m also horrified for our neighbors who live right up next to the plant. Our neighborhood is 94 percent Black, as has been mentioned, and I am concerned about those who have more formidable health issues, and due to extreme poverty prevalent in Detroit have less resources to try to manage or mitigate their exposure.

I’ve attended every public hearing for this project, and one of the most frustrating and counter-intuitive aspects of this process has been EGLE’s compartmentalization of the project from the people.

After the first few public hearings, it became apparent that EGLE could not hear us. EGLE’s website reads, “Some issues EGLE cannot consider include popularity of the action, emissions sources that are not part of the action, indoor air pollution, traffic, hours of operation, noises and lighting, and zoning issues.”

How is it possible for our state regulators to protect frontline communities that they can’t see or can’t hear? The parameters they have established to make their decisions have also become a justification for the abuse. They can’t consider that in the U.S. Black children suffer disproportionately from asthma. They are seven to eight times more likely to die of asthma than white children.

The fact that communities of color face nearly 40 percent more exposure to toxic air pollution than white communities is not just lost on EGLE, it can’t be heard.

I wonder what would have happened if EGLE would have listened to the concerns raised in the initial public comments in the initial hearings. Would they have maybe looked at the ventilation plans more closely for the project? Maybe the air quality violations would have been averted if they would have paid attention to us in the first place.

In addition to these health issues and the injustice baked into the permitting process, it's vital that we recognize that Stellantis Detroit Assembly Complex is a public-funded project. It's unconscionable that Stellantis, the fifth largest automaker in the world, with a reported net profit of 8 billion in the first half of this year, has accessed nearly half a billion dollars in local and state tax incentives and abatements, tax capture, and is also having this detrimental effect on residents.

The project will capture 93 million in local and school taxes generated at the site over the next 30 years. Due to the size of the project and the strained public funding and the city's community benefits arguments was invoked, DPP, EDC, the city-wide CBA Coalition, and others organized to bring a powerful ordinance to the ballot.

However, a developer-friendly version of the ordinance was run in opposition, and through a massive dark money-funded campaign won. Voters in the precincts around the plants, around Stellantis, voted overwhelmingly for the people's CBA, not the developers.

While we celebrate being the first city in the U.S. with a community benefits ordinance, the way the administration has wielded the community engagement and negotiations has failed these residents. As an example, after five air quality violations and numerous issues brought by residents, the city still promotes Stellantis as being in compliance.

Due to this, in addition to organizing with impacted residents, Detroit People's Platform and the CBA Coalition are advocating for more systemic responses to reindustrialization. We're advocating for a set of amendments to the current CBA ordinance that called for environmental and health impact assessments that will provide community members the tools and the data to advance the environmental justice agenda.

The extensive use of brownfield tips needs to be mentioned as well. It's in the Stellantis project, but it's also reflected in projects across the city. It appears to be productive in a post-industrial city, but brownfield-funded redevelopment, while cleaning up the site for developers, can create new environmental and health risks and actually kind of bring on new frontline communities and subsequently displace long-term Black and brown residents.

Neighbors are made to live through increased drug traffic, diesel emissions, fugitive dust, potential damage from construction, and depending upon the use of the facilities, these issues can be long term.

One final note on Stellantis and other manufacturers' shift toward EV, electric vehicles. While the Inflation Reduction Act strives to address environmental and climate concerns, based upon the residents' experiences here on the east side on Beniteau, there needs to be more intentionality. Alternatives to aspects of produc-

tions that contribute to climate change, like the paint process, must be implemented.

There are also concerns over the raw materials required for EV battery manufacturing in the storage and disposal of waste. Without intentionality, the opportunities of the Inflation Reduction Act could replicate rather than reduce frontline communities.

And, to conclude, in addition to this increased pollution for Detroiters, we're living through this extreme weather and flooding due to climate change, and it's disturbing that funds and resources that could be used to repair infrastructure, make improvements, have been used to finance a project that is hurting everyday Detroiters.

So the decision-makers approved this project based upon economic promises, as mentioned, and flawed engineering models rather than the health, economic, and climate reality of Detroiters, who are now being made to live through violation after violation.

I want to thank you all for the time and the consideration and for any efforts to address the injustices.

Ms. TLAI. Thank you.

With that, I recognize Dr. Stuart Batterman for five minutes.

STATEMENT OF STUART BATTERMAN, PROFESSOR, ENVIRONMENTAL HEALTH SCIENCES, UNIVERSITY OF MICHIGAN SCHOOL OF PUBLIC HEALTH

Mr. BATTERMAN. Thank you so much. My name is Stuart Batterman. I'm a professor at the University of Michigan in Ann Arbor. My education and research for over 40 years has been in the environmental area. I focus on occupational and environmental health, environmental epidemiology, ambient air quality, indoor air quality, water quality, and so forth.

In addition, I have a lot of community and governmental involvement, and I do want to mention that I currently serve on two groups at the state of Michigan, the Air Advisory Committee and the Statewide Drinking Water Advisory Council. But today I want to try to highlight some ideas here that might be—that are intended to be constructive to improve the situation.

I want to note, first, five deficiencies in environmental standards and regulations. First, as you have heard I think, a lot of them or many of the environmental ones are not sufficiently health protective. There's a lag between the science and the implementation of the standard, and it's also important to realize, as I think you heard from the panel today, that individuals suffering from environmental injustices are especially susceptible to adverse impacts of pollution below current environmental standards.

I could talk about this at length, of course. I do want to recognize that, for example, for particulate matter, while most parts of the country are in attainment with national ambient air quality standards, reputable estimates are that 50,000 deaths a year are caused by exposure to air pollution, most of that due to particulate matter.

In our research, we've seen effects on asthma, adverse birth outcomes, in the city of Detroit due to exposure to pollution.

Second, and you've heard from several people today, so I won't talk too much about cumulative effects, but I do want to mention that this includes the current practice of addressing only one pol-

lutant at a time—in air, for example—not adjusting rules or policies if other air pollutants are present.

It also does not typically consider multiple media. So, if you have problems with soil or water, it does not affect permits and policies that might be concerned with air.

Emissions impacts from induced development and traffic are not considered as well, and nor are historical emissions, things that folks have been experiencing over generations before.

Consideration of these cumulative impacts from multiple pollutants, multiple media, multiple uptake routes, and induced effects requires broader knowledge and training in exposure science, toxicology, risk assessment, GIS, and other fields. These skills aren't available in most enforcement agencies.

We also require data-sharing practices and platforms and forward-looking rules, guidance, and incentives from U.S. EPA and others. EPA has initiated some tools for this, but they lag.

The third point on regulation is a threshold assumption. Below the threshold, we consider the attainment conditions, and it is essentially healthy. While some argue that the simplicity is needed for an enforceable standard, this approach may not be protective of public health.

Drawing from the water area, one favored example is lead in drinking water. We know no exposure to lead is safe, but the current rule for drinking water in most states is that levels below 15 parts per billion at the 90th percentile is not considered, is in attainment with the rules, is not considered exceedance.

This means that a level of 14 is OK, and it also means with the 90-percentile approach that 10 percent of homes can have higher exposure without actually an enforceable limit on how high lead levels can go.

This threshold level applies elsewhere, like air pollution standards. To address this, we need approaches to encourage significant reductions or elimination of emissions and exposures, possibly use risk-based approaches as well.

This is a complex area, but there are opportunities to incentivize emission reductions with energy conservation, electrification, and greenhouse gas reductions by formalizing and incentivizing co-benefits.

And what I'm afraid of is that, as time goes on, this will be happening in some areas, but the gap in environmental justice areas will grow.

A fourth concern with regulations is their limited scope. For ambient air, we have standards for only six pollutants, but we have 189 pollutants regulated under Title III of the Clean Air Act as toxics, but these don't have ambient standards. Monitoring tends to be very limited, and source standards tend to be technology-based and often lead archaic.

A final, final topic on regulations is the need to address and communicate uncertainties in permit applications that help impact assessments. The standard that Representative Tlaib mentioned—reasonable likelihood of no harm—is a great standard.

If I can proceed for a minute or two—thank you. In terms of enforcement, we've heard today that permit conditions and fines do not encourage environmentally responsible behavior. There are not

enough inspectors. EPA's guidance for fines may also not achieve this goal.

I also want to mention in support of what Mr. Bloom just mentioned that community benefits agreements are rarely meaningful in response to broad environmental and community impacts.

And then there are needs to address facilities in a comprehensive fashion, not the piecemeal fashion that most permits are provided. And transparency is also a really big issue here with enforcement.

We have the technology now to do real-time monitoring of emissions, activities. We see this now in the sensor world where everybody has a purple air sensor. We don't see this at all in terms of continuous emission monitoring systems.

My last point here is the linkage with the work force and environmental justice. This is not getting any attention. We know that many environmental justice communities have issues. They also have challenging jobs with chemical exposures, physical stress, and other conditions that can increase susceptibility and vulnerability to environmental pollutants.

But we also know that folks suffering from environmental stressors perform poorer in the workplace, experience more accidents, more disease, and experience higher healthcare costs as well.

So, this is a two-way street between environment and occupation. This needs to be addressed. Some of the Federal agencies like NIOSH are trying to promote total worker health. WHO, World Health Organization, is promoting one health. But this is really an area which can improve people's well-being, especially in affected areas like the EJ areas we are talking about.

So, I'll close. I appreciate this discussion to bring these concerns to the committee.

Ms. TLAIB. Thank you so much. I do now recognize myself for five minutes.

I do also want to recognize State Representative—Michigan State Representative Shri Thanedar joining us here. He also sits on the committee that oversees I believe the budget for EGLE and is listening attentively.

I also want to submit for the committee's record a number of articles, one called "Residents Want Legal Protection from Waste Facilities," which is regarding U.S. Ecology. Another "U.S. Steel Must Pay \$2.2 Million Fine, Reduce Detroit Area Air Pollution." Another article, "Dearborn Steel Plant to Pay \$1.35 Million as a Fine to Settle Alleged Violations." And another article, "The Original Sin of Air Quality Regulations is Keeping Communities Polluted." Last, one that talks about our east side residents, the article is "Agencies Seek More Environmental Justice Data, Long-Term Residents are Skeptical."

And so I just want to submit these for the record because I think some of my line of questioning—without objection, it is admitted.

Ms. TLAIB. You know, Mr. Leonard, one of the things that I really wanted to highlight for a lot of my colleagues and for the record is the first thing that I heard about consent decrees was with U.S. Steel.

And when U.S. Steel continued to not respond to the state agencies and the EPA got involved, and they referred it to Department

of Justice, I got excited. I'm like, finally, we are going to take them to court, right? We're going to—we are going to hold them accountable, they're going to pay all kinds of money and they are going to stop.

I want you to talk about how the fact that this—they haven't. It is not only just U.S. Steel, but a number of these folks are being—you know, getting notices for violations, and a number of them do enter into consent decrees that the Federal Government leads that charge.

Talk a little bit about from Cleveland-Cliffs to U.S. Steel to even in the past a number of these agencies—a number of these corporations, because it seems to me they continue to violate even after the consent decrees. So now what?

Mr. LEONARD. It's a great question, and so I'm going to try to talk about the enforcement process and how it doesn't meet the needs, particularly of vulnerable people living in environmental justice communities.

You're exactly right that violation notices are a dime a dozen. You know, they're issued constantly by EGGLE, by the EPA, regarding air quality violations, and—but that doesn't really matter for residents. What residents want to know is, well, what are you doing to protect us now? And is this consent decree or is this enforcement action going to do that?

So there is—there is a couple of important points here. First is the delays in enforcement that residents are often forced to live with and the fact that enforcement actions can take years. And, you know, you bring up the Cleveland-Cliffs Facility in the south end of Dearborn.

It's a really good example. That facility has been essentially continuously violating its manganese and lead emissions limits for several years and has—and this brings up the second problem which is that as those violations are continuing, and as those violation notices continue to go out, companies continue to pollute—companies continue to operate, like was the case with Stellantis. When they didn't properly build their facility to vent their pollution to their pollution control equipment, our first ask was, well, you should shut down until you can fix it.

And, unfortunately, that ask is often viewed as unrealistic. That ask is sort of not taken up by our Federal or state enforcement agencies. And so the feeling that residents typically have is well, companies are violating the law due to their own negligence, due to their own failures, and they are not being held accountable for that, and so who's — who's being forced to bear the brunt of those violations, and who—who is dealing with the impacts. It is residents. It is always residents.

And, you know, in sort, we just—we need our enforcing agencies to understand that they are working with vulnerable communities that often have high rates of asthma, and we need them to more vigorously use their enforcement authorities to address those issues.

Ms. TLAIB. Thank you so much.

Ms. Johnson-Greer, we see like millions of dollars being paid out through these consent decrees. For instance, after I think the 2015, I call it deal at this point that was—you know, with Cleveland-

Cliffs, which used to be AK Steel—there have been 40 violations I believe since then.

I mean, can you talk a little bit about like, where does that money go, right? The millions of dollars. But also, I mean, they have 40 more violations after the consent decree. Can you talk about, as an advocate of the—leading this coalition on environmental justice, you know, what do we need to do to change that?

Ms. JOHNSON-GREER. It is very clear that this is just a part of doing business for these corporations. They bake these violations into their bottom line as a—as a contingency, right? Like this may happen, so we will prepare for that.

It is not in any way actually a penalty for them, right? They're going to continue to operate as they have been. They're going to continue to do the things that they have done. And that fine or fee is just that. It's a fine or fee, meanwhile the residents are paying through their health, right? They're paying through their, you know, life expectancy being lower as we heard, right?

So while we pay, they—they pay, you know, on a line item, on a budget, and that is just that. But they're not actually feeling the impact of the decisions that they made or the negligence that they've actually acted on.

Ms. TLAIB. So I do want to correct myself. So they had 40 violations that got them into the consent decree that the EPA worked with Department of Justice on. After 2015, they had 19 violations. So I guess we have to wait for 21 violations to go back and try to do more I think pushback on—and I think it is important, what you said, Ms. Johnson-Greer, because I do believe that they—they know they are violating their own air permit.

I do want to ask you, Mr. Bloom, because I know I am over my—we might be doing a second round of questions, so let me—let me yield to my colleague. But I do want you to—yes. Mr. Bloom, thank you, because, Mr. Bloom, the thing is, I know from—from being one of those residents that used to call that number all the time, they don't know that they're violating until a resident picks up the phone and calls and says, "I smell something."

So how many times do you—I mean, it really worries me that if my residents will pick up that phone and call and say something is wrong, "I smell something," that's one less violation. I mean, can you talk a little bit about—you guys worked so hard to get that number out to teach folks, because they didn't know that there was a number with EGLE to call, and how even Stellantis tried to circumvent that by creating their own hotline.

Mr. Bloom. Thank you. Yes. I mean, it's—we are very blessed to have—I mean, blessed—there are a lot of environmental justice issues in the city of Detroit, so folks from around the city have counseled us about what to do in engaging with Stellantis.

And one of the first things we did was, yes, get that number up everywhere, so that people

[audio drop] fridge, we put it up on the billboard, trying to get the information out, so that we could get folks calling in. That was the reason for the success with getting them out and getting them violated.

Now, I will add that every time we pick up the phone, they—they don't come out every time, right? So if Robert's called three or four

times this week already, I am not even sure if they have ever come out, and I don't know if any of those phone calls will resort—or result in a violation.

You were out this morning and smelled it. Will it now result in a violation? Probably not. So there have only been five, but residents are calling consistently about the smells, right?

And then the other piece that I will add is that Stellantis did bring out their own complaint line for a time, and that was extremely confusing because then they had folks saying, “OK. Well, call the company directly, and so we can stop it.” But then the state never has record of it, right, so it—and it sent confusion in the community as well, right? So which number do I call?

So it has been—it has been an important part of the process to be able to call that number, but the response is definitely not 100 percent. A smell does not equal a violation. The fact that we've only had five is—I think that we probably should have many more violations at this point in time, but, yes, there is not that follow-through, that connection between the calls and the violations.

Ms. TLAI B. It actually worried me, Mr. Bloom, when I saw them create their own line, because I knew—because for many of our residents they're the watchdog. They are the ones who inform the state agency that something's wrong. And I—my stomach fell because I heard they actually flyered the neighborhood.

They won't flyer the neighborhood when they are in violation or they need to educate them on a public hearing or that they are renewing their permit, but, boy, do they flyer the whole—my whole side of east side community to let them know, don't call, don't call the state agencies, call us.

And I'm shocked that no one actually exposed just how disingenuous that was, one. But two, like that was trying to circumvent the only process we have now to get at least EGLE to know something is wrong and that they are in violation. But I just wanted to—really important. Go ahead, sir.

Mr. Bloom. One followup because it's extremely problematic is the fact that EGLE actually promoted the number for—to the community for the Stellantis hotline. So they circumvented their own process, their own hotline, and promoted a company hotline.

They stopped doing that once we called them on it, but, yes, the confusion—we have got this phone number up that folks are supposed to be calling to get to the state, and suddenly the state is promoting the company line. So it creates this massive—and it is very deceptive.

Ms. TLAI B. I just want you to know, I want one of the people that picked up and I could not believe that was happening. The fact that you are letting folks call a different number instead of you, that's your responsibility, to take in these complaints from the public, and you wanted us to go to the people that actually were violating, you know, the air permit themselves.

And so it was unbelievable to me that EGLE—you know, Chairman, I'm still always taken aback of how difficult it is for people to understand asking residents to call the people that are violating them and disrespecting them and not putting their health first, asking them to call them directly, it's just unbelievable. I mean, it

took a little while for us to get them to stop promoting that number.

With that, I do now want to recognize the chairman of our committee, Chairman Ro Khanna, for five minutes.

Mr. KHANNA. Thank you, Representative. And I agree with you. I mean, it is outrageous that it is basically misleading, not submit complaints to the appropriate agency, but almost deceiving them that—just receive complaints to their own office. I mean, it's really outrageous and something we need to call out.

Mr. Bloom, I was struck by the figures that you cited. I mean, a life expectancy of 67 years if you're close to the Stellantis plant and 87 years otherwise, I mean, that is a 20-year differential. And then a 10-year differential if you live in Detroit in some of these affected communities versus not.

And I just think we need to emphasize that these—this is not a minor disparity. I mean, these are huge disparities based on where—what ZIP code you're living in in the 21st century in America.

What do you think we on this committee can do with the Stellantis plant, and what needs to be done? I mean, what should Congress be doing here?

Mr. Bloom. Well, I think any kind of—any kind of query to the company, any kind of piece to get more information about what it is that is happening, I think that one of the pieces that was brought up multiple times is that we really don't know what we are reading, right? I mean, and the data is not there.

So we really need to know more information about what is happening in the plant. But, I mean, the most obvious thing is it has got to stop, right? We have talked about it repeatedly. There's five violations. Folks are still breathing it in, we were on the street breathing it this morning, and nothing has changed.

So whatever kind of action Congress can take to address that issue straight out is I think the most important thing. We talked about life expectancy and the difference between the life expectancy of me and my neighbors and the folks in my neighborhood and the folks up in West Bloomfield, which is 20 miles north, and that—yes, that's—so—so if these violations are continuing, and if that's impacting the life expectancy, that needs to be stopped immediately, right?

I mean, that's—so that is where I would go and ask Congress to really think about how we can stop the harm and then address these issues rather than just continuing to let this harm happen without any kind of action. And that's at the Federal, the state, and the local level.

Mr. KHANNA. [Presiding] Thank you. I would like to recognize your son who I got to meet this morning. Amazing that you're advocating already for your community, and it's wonderful to see that, and I think that is really something that you should be proud of at this young age.

Mr. Leonard, I saw in your testimony this concern that NEPA, the National Environmental Protection Act, would be gutted. And vice chair and I are going to have a hearing on September 15 about this permitting deal that many—some want to push through Congress. Some of it was drafted by the American Petroleum Institute,

and they basically would fast track more fossil fuel projects in frontline communities without going through even the current permitting that we have.

I don't want to prejudge the issue in the way I framed it, but could you talk about what that type of "permitting reform" would mean to frontline communities?

Mr. LEONARD. Quite frankly, it would mean that we're going backward in terms of addressing environmental racism and are essentially not just failing to address that legacy issue that I was talking about earlier of environmental injustice but essentially turbocharging environmental injustice and making it actively worse for communities.

Because the reality is our current permitting system throughout—for a number of environmental issues fails to adequately account for the concerns of communities of color and low-income people.

And when you fast track that process and make it less restrictive and more easy for the fossil fuel industry, it's going to mean that that problem is going to get worse and that decisions are going to be made tomorrow and, in the years, to come that are going to have serious impacts for generations.

Mr. KHANNA. So, then the House of Representatives, who care about environmental justice, should do whatever we can to oppose that kind of a deal going through the House?

Mr. LEONARD. Absolutely.

Mr. KHANNA. Ms. Johnson-Greer, you testified about the cumulative impact on communities of environmental harms and how they can add up, pile up, and really devastate the communities.

Representative Tlaib has been a leader, as has Chair Grijalva, on this Environmental Justice for All Act. And that—what that would do is have a standard that you will be denied a permit unless you can show that there's a reasonable probability of no additional harm, and that the assessment can't just be siloed. It can just say, OK, this is what lead will do. It has to be cumulative in all of the different factors.

And Representative Tlaib has been pushing this, and of course Representative Grijalva has. Can you talk about what the Environmental Justice Act and those two prongs would do to help frontline communities?

Ms. JOHNSON-GREER. Yes. So that would allow for the decision-making to be a fuller picture, right? To zoom out from just that one permit, and to actually see what is the fuller picture of folks' health, right, of the environment, of—the air quality, of what is happening in this actual area where this is—proposed permitting is to take place.

And what it means in effect is that you're — you're putting the burden on the company, right, and taking that burden off of us because oftentimes we show up to the permit hearing and we are ready to make the case for why this isn't a good idea and how this is actually going to harm us, but they have—they don't have to make any case.

They do not have to explain how this is not going to harm our health or how this is not going to harm our children's health, and that is a problem, right? And so turning that burden on to the cor-

poration is one big thing, and also strengthening NEPA and the provisions that allow for the public's participation—early participation—to happen is another, as well as EJ for All's provisions to strengthen and amend Title VI, as I mentioned earlier, and the disparate impact pieces. So that when that—that breakdown does happen there is recourse for that.

Mr. KHANNA. Thank you.

Dr. Batterman, since you have a Ph.D. from MIT, I will ask you probably the challenging question, and that is I appreciate all your points about stronger regulation, and I support all of them.

You hear from people—and I don't know the truth of this or not—that—that for getting renewables produced, you know, is—there is a column almost every week in The New York Times that somehow, we have to expedite the permitting for solar and wind and batteries. How do we—is that needed? How do we balance the appropriate enforcement when it comes to fossil fuels or even projects that could have devastating impacts on communities while making sure that we are permitting the solar and wind and renewables that we need?

Mr. BATTERMAN. I'm not sure that my background allows me to answer you completely on that. I mean, first of all, it is well recognized that there are many subsidies which aren't available to the renewables. And so the magnitude of those are unbelievable, and they are longstanding as well.

Mr. KHANNA. Our committee—one of the first things we did is had Greta Thunberg in, and we've been leading on getting rid of the fossil fuel subsidies on this committee. We have to get more of our colleagues on board, but that's something that the committee has been pushing for.

Mr. BATTERMAN. So, a second point is that we are concerned about life cycle impacts. So, in other words, we want to consider the long-term impacts. And when you start doing that, you even recognize how enormous the fossil fuel industry is, both in terms of greenhouse gas emissions but also in terms of sort of toxics and the health impacts, which are removed from the discussion here.

We have no consideration of those except to the extent that sulfur dioxide, for example, has to meet a fairly lenient standard. So, it's another subsidy, in a sense, given to the fossil fuel industry to continue production.

I think that renewables need incentives to capture a sufficient share of the market. I would say that we have enormous amounts of roof space, for example, that can be utilized, but there is an up-front cost that has to be met.

And, you know, the recent legislation will encourage some of this, but many people, particularly in environmental justice areas, will not have those resources available, and there are opportunities I think to expand their access via loans and other types of—of options.

I do want to come back to the health aspect, here as well. And, you know, promoting renewables leads to a healthier environment in many ways. And it is not just energy production, but it's the total, let's say, cityscape, the greenspace, the parks, the opportunities that folks have to better the quality of their lives to increase their well-being.

And this in—you know, in my testimony, I talked about occupations. And coming back to that, I think renewables also have opportunities for many more people to be involved in these decentralized industries rather than the very small number of people that would work at a fossil fuel plant, for example, so that there are in fact employment opportunities as well that are beneficial that are also typically discounted.

So, I'm just touching a few subjects here, but, you know, so there is some encouraging news. We will get there, but the problem is we are not getting there quickly and areas like east—this area of Detroit, southwest Detroit, may see the gaps increase, and this is very troublesome to me because we are going to see environmental justice problems get worse in these areas as compared to, say, more affluent areas.

Mr. KHANNA. My time is expired.

Ms. TLAIB. I would ask unanimous consent that we do a second round of questions.

I recognize myself for five minutes. But I—one of the things I want to followup—and, you know, Director Johnson-Greer, this is something I am—you know, I hope you can help bring some light to, because it's very confusing to me that we have such a large force out there to try to continue to push back on line five, right? And we all have been incredibly supportive of that.

I'm always struggling why we can't get that same energy toward what is happening here on the east side of Detroit, as well as with U.S. Ecology. Can you talk about that? Because I—this is something that I continue to, you know, of course commend the state officials and other folks really coming out and saying we have got to make sure we protect our Great Lakes, and that is something of course that is a huge priority for all of us.

But I do wonder why that same energy, same resources, and advocacy hasn't been put toward holding folks here that actually got tax breaks in some cases, held to the kind of same standard or accountability.

Ms. JOHNSON-GREER. I think that is a great question. In thinking about, you know, the economic value, right, of our Great Lakes—and the case is easy to make, right? It's easy to make the case for why we should be protecting our water, our resources, our natural resources, and we should.

But there is also this reality that we should be also valuing human life, right, beyond profit, beyond what, you know, number of jobs, right, we can put on. And so I think that there's this element to the argument that is there that, you know, it is easy to see why there is an emphasis on line 5, and I think that there is nothing but support.

I think with us, at the Michigan Environmental Justice Coalition, many of our members have been in those line five fights, right, our indigenous folks who have respect and love and stewardship over our natural resources here in this land. And the reality is that that is not respected in the same way, that the profiteering that is happening here in the east side is.

And so I think that there is—there is an emphasis and a question of what our values are, and that is I think the underlying answer here.

Ms. TLAIB. You know, Professor Batterman, I remember one time that you—you talked about children being exposed to this high level of particulate matter and toxins and how it relates to learning. I think that was you.

And then you talked about so many of our neighbors in the workplace and how that—that has impacted their ability to thrive in the workplace because of the environmental, you know, conditions of the neighborhood they live in and sleep in and raising their families in.

Can you talk a little bit about the impact on children? And then I have something for the whole panel.

Mr. BATTERMAN. Sure. Thanks for that question. So, in fact, right now we're engaged in some studies looking at children in schools and we are trying to put in filters in schools. Many of the Detroit schools are located near freeways or industry. They have rudimentary ventilation systems.

Nationally, this is a problem, but the problem's impact is magnified in EJ areas because of the poor quality of the ventilation system, the filters, the proximity to these pollution sources, and so forth.

So what do we know? We know that children perform less well in poorly ventilated and poor environmental quality schools. We know that teachers are less happy. We know rates of asthma, absenteeism, increase. So, what does this do? It increases, again, the disparities between these types of schools and, say, schools in affluent white areas.

This is a national problem, but it is worse in EJ areas without a doubt. So, the research supporting this is getting communicated to various school officials, and so forth. Schools are sometimes in a tough spot, their construction, their operation, they are not well resourced themselves either.

But, you know, in the Detroit area—and I don't think we have any representatives from Detroit Public Schools here—they have a dilemma. They have billions of dollars that they need to improve their physical infrastructure, and, you know, it's not clear. They have to prioritize, and nobody wants to have their local school closed, but you can't keep all the schools operating.

So, our research is trying to address—build an awareness of this and try to do a few interventions, but it is a big problem.

Ms. TLAIB. And my last question—thank you.

And my last question is for all of you. This is a good one. You can dream big here. If you were—could pass any bill, issue any executive order or agency rulemaking, what would the most important thing that you—you would want us to focus on, or you would focus on?

Ms. JOHNSON-GREER. Yes. I think that—you know, Representative Dingell was here earlier and was talking about the THRIVE Act. And I think that there needs to be, you know, largely economic and social overhaul of the way that we're thinking about our economy here in the United States and what we are placing value upon.

And I think that when we place value upon people, when we place value upon protecting our people from this climate crisis and from legacy environmental pollution, and thinking about good union-paying jobs in order to do that, that we actually can—you

know, we can actually extend that life expectancy, right? We can actually improve folks' well-being and their lives. So that is the thing that I would actually do.

Mr. LEONARD. For me, I will get to something that Jamesa mentioned earlier, which is just reinvigorating Title VI regulations with the EPA. I mean, the EPA has authority right now to prohibit state agencies from making decisions, from administering their programs, in a manner that has discriminatory effects on the basis of race, color, or national origin.

And the problem is, states just aren't really doing much to integrate that standard into their permitting programs. So that means they're not doing much to make sure that they are avoiding that kind of discrimination on the front end when they have a proposal from Stellantis to undertake a massive expansion of their facility.

And so where does that leave us as advocates, as activists, residents? It leaves us to submit a complaint after the fact, which is never a good place to be. And so ingraining those sorts of anti-discrimination standards into permitting processes is not only something that I think would be really impactful, but I think it is something that is very achievable, even with administrative action, and something that should be done very, very soon.

Mr. Bloom. Along the lines of value, I mean, one of the things that we experienced here in Detroit with Stellantis was the emphasis on jobs above the air quality and above the situation that the residents are in.

So legislation I think that—that really looks at the—at the development and upcoming polluters and folks who are doing new business—I mentioned electric vehicles before, but the idea of tying in some form of legislation that mandates that community engagement, that really attempts to create an ability for the neighbors to have a voice and for that voice to be somehow legislated or somehow brought into that process in a way that cannot be gone back on.

And we mentioned the permitting process. I think if I had like a laundry list, the idea of, yes, opening up that permitting process so that EGLE and other folks can take a look at the cumulative impact of the projects is an important one. And I think—I think that that's it.

Yes. But the idea of like shifting that—that value I think is the most important thing. And somehow, you know, creating some sort of a link between the employment, the work, and the process, and the community that is stronger and that can really protect the folks who could be impacted by them in the future.

Mr. BATTERMAN. You ask such great questions. I would advocate for transparency in terms of the health and welfare impacts, both—and permit application for a new facility as well, and operations and processes that are going on.

This information can be utilized and lead to better knowledge and community engagement and empowerment I think when people understand what is happening.

Ms. TLAIB. I now recognize my colleague, Chairman Khanna, for five minutes.

Mr. KHANNA. Thank you, Representative Tlaib.

The Inflation Reduction Act is the largest investment in climate in our country's history. But just to put it in context, you know, we have a \$20 trillion economy or GDP, 23 trillion, and the Inflation Reduction Act is \$370 billion over 10 years. So, it's a \$37 billion investment in the context of, say, a \$23 trillion economy.

So, it's significant, but not nearly the massive investment that some of the people who are characterizing the investment point out. I mean, it's a very small fraction of our actual GDP.

So, what I wanted to ask all of you is, what do you think is the most significant part of the climate bill that we have passed? And what do you think needs to be done in addition to it? Where would you focus in terms of the investments?

Ms. JOHNSON-GREER. Yes. I can answer that first. I think that there's definitely opportunity with the environmental justice block grants. That is something that we had a heavy hand in advocating for, seeing the opportunity for environmental justice communities to benefit directly from these moneys, and to see investment where there has previously been deep disinvestment in those communities.

And I will also say that, you know, the reality of the benefits of the Act, you know, could be threatened, right, by that permitting, this permitting deal, the API permitting deal. And so—

Mr. KHANNA. That is a very live issue in Congress. I mean, there are those of us in the progressive caucus and on the committee, many of us, who really have concerns about this API deal and what it will do. And there are others who are, frankly, trying to get this in must-pass legislation.

And can you talk a little bit about the stakes of that fight when we go back in September, you know, what that would mean.

Ms. JOHNSON-GREER. Yes. I mean, I think the stakes are very clear that the benefits that are in the IRA that would benefit environmental justice communities will—will pale in comparison to the harms that come from this permitting deal, right? This bill was written without regard for health and safety of environmental justice communities without any negotiation or any consent, right?

And that is exactly what we've heard about today, right? We've heard from folks who are living under regulations and laws that have had no consideration of their health and safety.

I will also say that the bill includes the fast tracking of projects that will—would continue the sacrifice of environmental justice communities and also those that are living in some of the most egregious polluting facility areas, right? Those would be at the center of some—some of the experimental technologies that are actually included in that deal.

So, there's much at stake. There's a scenario where this ideal is—you know, is more fossil fuel projects being lit—green lit, right, and giving industry the green light basically to sacrifice environmental justice communities' health and well-being.

So, this is not a compromise. This is clearly a sacrifice. Thank you.

Mr. KHANNA. Thank you.

Mr. Leonard?

Mr. LEONARD. I'll basically underscore what Jamesa said, which is that direct investment in environmental justice communities is

really important because the initiatives from the Inflation Reduction Act to decarbonize our economy, while laudable from a climate change perspective, it is still to be determined whether or not that's going to essentially reinforce our existing environmental inequities in environmental justice communities or whether it will meaningfully address them.

But there is I think a future, which Jamesa outlined, where environmental justice communities have to suffer another generation of harmful environmental effects.

And so, the question then is, well, are they going to be enough for those communities? And, you know, I don't think it should be an either/or. I think the decarbonization of our economy must put environmental justice communities first, and they also deserve that direct investment.

Mr. KHANNA. Thank you.

Mr. Bloom. Thank you. You know, I want to agree. And I had mentioned it briefly, but one of the—one of the pieces in the IRA and the emphasis on the electric vehicles kind of brings this to the forefront, and that's that—the fact that we are reducing—we are moving into electric vehicles to reduce climate and to reduce emissions.

But at the same time, you know, Stellantis—this plant here has been billed as the greenest plant in North America. That's how they sold it to us, right? You know, and—and as they transition to creating electric Jeeps, right, which is the goal, the processes that they're using apart from this, you know, motion toward electric, you know, the paint's still going to smell the same.

If the Jeeps coming off the plant next year when they are electric are painted in the same way. It is still going to be an issue, and we are still going to be contributing those—those emissions to the climate problem, right?

So, I just want to lift that up and to recognize that, you know, just because it is—looks good on paper and the numbers might be reduced, the folks who are living closest to this are still impacted negatively, right?

So we can—we can make these gestures, but until we really get into figuring out what is happening on the ground—and the other thing that I will lift up, I have great concern about, if there are block grants, if there are those pieces available, then how are we monitoring, how are we making sure that that money actually gets to folks who need it in the community? Because here in Detroit we have this issue of Federal funds being repurposed for things like demolition instead of putting people in houses.

So that turns into a real issue when you're dealing with these types of changes. Is it really going to happen? Is somebody somewhere going to figure out a way to prevent the money from getting to the people on Beniteau and to go into, you know, a project somewhere else.

Thank you.

Mr. BATTERMAN. Well, just briefly, I agree that investment in these areas is very critical, and I am very concerned about the weakening of the NEPA. And, you know, what NEPA has largely done is to avoid really bad projects and to show sunshine on the projects, and they incrementally get better.

But the major impact is just that really bad projects never got off the ground, and this has killed at this point the fast tracking for these energy projects, if it goes through.

Mr. KHANNA. Thank you.

Ms. TLAIB. [Presiding] Thank you so much, Chairman.

I want to thank our panelists for their remarks, and I want to commend, you know, Chairman Khanna and the incredible subcommittee staff for helping coordinate a field hearing. There's a lot of work behind that, and I just want to commend them in doing this. It's so important to come to frontline communities, especially being members of House Oversight Committee, to be able to come out and actually be in the community that is directly harmed by lack of accountability.

With that, without objection, all members will have five legislative days to—within which to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for a response.

Again, I ask all our witnesses to please respond promptly, as you are able.

And this hearing is now adjourned.

[Whereupon, at 12:38 p.m., the subcommittee was adjourned.]

