

KATHY CASTOR, FLORIDA,
CHAIR
BEN RAY LUJÁN, NEW MEXICO
SUZANNE BONAMICI, OREGON
JULIA BROWNLEY, CALIFORNIA
JARED HUFFMAN, CALIFORNIA
A. DONALD McEACHIN, VIRGINIA
MIKE LEVIN, CALIFORNIA
SEAN CASTEN, ILLINOIS
JOE NEGUSE, COLORADO

Congress of the United States
House of Representatives
SELECT COMMITTEE ON THE CLIMATE CRISIS
359 FORD HOUSE OFFICE BUILDING
Washington, DC 20515
(202) 225-1106
www.climatecrisis.house.gov

GARRET GRAVES, LOUISIANA,
RANKING MEMBER
MORGAN GRIFFITH, VIRGINIA
GARY PALMER, ALABAMA
EARL 'BUDDY' CARTER, GEORGIA
CAROL MILLER, WEST VIRGINIA
KELLY ARMSTRONG, NORTH DAKOTA

December 1, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Andrew Wheeler, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

The Honorable David Bernhardt, Secretary
Department of the Interior
1849 C Street NW
Washington, D.C. 20240

The Honorable Sonny Perdue, Secretary
Department of Agriculture
1400 Independence Avenue SW
Washington, D.C. 20250

The Honorable Brian P. Brooks
Acting Comptroller of the Currency
Office of the Comptroller of Currency
Treasury Department
1500 Pennsylvania Avenue NW
Washington, D.C. 20220

Dear President Trump, Administrator Wheeler, Secretary Bernhardt, Secretary Perdue, and Acting Comptroller Brooks:

We write to express our strong opposition to your efforts to use the remainder of the Trump Administration to undercut the public health and climate protections afforded by our nation's laws. We also urge you to work with President-Elect Biden, Vice President-Elect Harris, and their transition team to ensure a seamless transition for the sake of the country.

As Members of the House Select Committee on the Climate Crisis, we consulted with businesses, labor groups, environmental organizations, and environmental justice leaders to inform the Select Committee's majority staff report, "Solving the Climate Crisis: The Congressional Action Plan for a Clean Energy Economy and a Healthy, Resilient, and Just America."¹

Climate action has tremendous public health benefits from reducing air pollution from combustion and extraction of fossil fuels. These public health benefits are local and immediate. In fact, independent

¹ U.S. House of Representatives, Select Committee on the Climate Crisis, *Solving the Climate Crisis: The Congressional Action Plan for a Clean Energy Economy and a Healthy, Resilient, and Just America* (2020) <https://climatecrisis.house.gov/report>

analysis shows that our plan would avoid at least 62,000 premature deaths annually by 2050 and would yield at least \$8 trillion in health and climate benefits between now and 2050.²

In contrast, you are finalizing regulatory actions that will undermine health and climate benefits, especially to communities already suffering from a legacy of pollution.

The regulatory rollbacks the Environmental Protection Agency (EPA) is working on would increase pollution, harm public health, and make it harder to fight the climate crisis. The Department of the Interior (DOI) and the U.S. Forest Service (USFS) have taken recent actions to advance this administration's assault on public lands, rushing to sell off rights to drill in the Arctic National Wildlife Refuge, offering hundreds of thousands of acres of federal land for oil and gas lease sales, and restricting Land and Water Conservation Fund spending. The Office of the Comptroller of the Currency (OCC) now seeks to force financial institutions to lend to fossil fuel projects despite the potential credit, operational, and reputational risks associated with them.

We are particularly concerned about the following:

EPA's "Strengthening Transparency in Regulatory Science" rulemaking attacks the science supporting the public health benefits of climate and clean air policies.³ The rule requires disregarding substantial amounts of scientifically valid and useful evidence of the health impacts of pollution. The rule seeks to hide science, the opposite of its name.

EPA's "Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process" rulemaking officially discounts and eliminates from consideration the public health benefits documented from climate and clean air policies.⁴ Contrary to the decades of established good practices for cost-benefit analysis, this rule would force EPA to overstate costs and understate benefits, skewing EPA's analysis towards polluting industries and away from public health.

EPA's "Review of the Ozone National Ambient Air Quality Standards" rulemaking⁵ and the "Review of the National Ambient Air Quality Standards for Particulate Matter" rulemaking⁶ would lock in unhealthy levels of pollution for communities. EPA scientists have shown for years that ozone and particulate matter standards are too weak and many people get sick at the

² Megan Mahajan, Robbie Orvis, and Sonia Aggarwal, "Modeling The Climate Crisis Action Plan" (Energy Innovation, 2020) https://energyinnovation.org/wp-content/uploads/2020/07/Modeling-the-Climate-Crisis-Action-Plan_FOR-RELEASE.pdf

³ EPA, "Strengthening Transparency in Regulatory Science," (85 Fed. Reg. 21,340; Apr. 17, 2020) <https://www.federalregister.gov/documents/2020/04/17/2020-07348/strengthening-transparency-in-regulatory-science>

⁴ EPA, "Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process," (83 Fed. Reg. 27,524; Jun. 13, 2018) <https://www.federalregister.gov/documents/2018/06/13/2018-12707/increasing-consistency-and-transparency-in-considering-costs-and-benefits-in-the-rulemaking-process>

⁵ EPA, "Review of the Ozone National Ambient Air Quality Standards," (85 Fed. Reg. 49,830; Aug. 14, 2020) <https://www.federalregister.gov/documents/2020/08/14/2020-15453/review-of-the-ozone-national-ambient-air-quality-standards>

⁶ EPA, "Review of the National Ambient Air Quality Standards for Particulate Matter," (85 Fed. Reg. 24,094; Apr. 30, 2020) <https://www.federalregister.gov/documents/2020/04/30/2020-08143/review-of-the-national-ambient-air-quality-standards-for-particulate-matter>

established levels, contrary to the “adequate margin of safety” that the Clean Air Act requires.^{7,8} It is especially unconscionable to lock in air pollution when the COVID-19 pandemic has demonstrated how exposure to pollution can be a compounding factor that increases the vulnerability of Americans to severe impacts from the disease, including death.⁹

DOI and USFS attempts to boost dirty fossil fuel production on public lands would increase carbon pollution and threaten natural carbon storage in soils and forests. For example, DOI’s publishing a “call for nominations” will allow companies to identify tracts of land in the ecological heart of the Arctic National Wildlife Refuge on which to bid in an upcoming oil lease sale, as early as January.¹⁰ DOI’s plans to hold fourth quarter oil and gas lease sales in December will offer hundreds of thousands of acres, including parcels near vulnerable communities and in sage grouse habitat and wildlife migration corridors.¹¹ USFS’s “Oil and Gas Resources” proposed rule will make it easier to drill in our National Forests by eliminating key environmental reviews and public participation requirements.¹²

Secretary Bernhardt recently issued an order drastically changing how Land and Water Conservation Fund (LWCF) dollars can be spent, just months after full and permanent funding to the program became law through the Great American Outdoors Act. The order would require written approval from a state and county government for the acquisition of land from a voluntary, willing seller, essentially giving states and local jurisdictions veto power over LWCF spending and reducing its effectiveness to respond to the climate crisis.¹³

OCC’s notice of proposed rulemaking for the “Fair Access to Financial Services” rule would prevent banks from integrating climate-related risks into their credit assessments despite the substantial financial risk that climate change poses.¹⁴

⁷ See, e.g., on ozone standards, American Academy of Pediatrics et al., Letter to EPA Administrator Gina McCarthy Re: EPA Docket I.D. No: EPA-HQ-OAR-2008-0699, (Mar. 17, 2015) <https://www.aafa.org/media/1656/health-organizations-comment-national-ambient-air-quality-standards-march-17-2015.pdf>; J.D. Berman et al., “Health benefits from large-scale ozone reduction in the United States,” (Environmental Health Perspectives, 2012) <https://ehpnet1.niehs.nih.gov/docs/2012/110-22809899/>; on particulate matter standards, Benjamin Bowe et al., “Burden of Cause-Specific Mortality Associated With PM_{2.5} Air Pollution in the United States,” (JAMA Network Open, 2019) <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2755672>

⁸ 42 U.S.C. § 7409(b)(1).

⁹ See, e.g., Xiao Wu et al., “Exposure to air pollution and COVID-19 mortality in the United States: A nationwide cross-sectional study,” (medRxiv 2020) <https://doi.org/10.1101/2020.04.05.20054502>; Eric S. Coker, et al., “The Effects of Air Pollution on COVID-19 Related Mortality in Northern Italy,” (Environmental & Resource Economics, Aug. 4, 2020) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7399615/>

¹⁰ BLM, “Call for Nominations and Comments for the Coastal Plain Alaska Oil and Gas Lease Sale,” (85 Fed. Reg. 73,292; Nov. 17, 2020) <https://www.federalregister.gov/documents/2020/11/17/2020-25316/call-for-nominations-and-comments-for-the-coastal-plain-alaska-oil-and-gas-lease-sale>.

¹¹ BLM, “BLM Wyoming Proposes to Offer 260 Parcels in December 2020 Oil and Gas Lease Sale,” (Aug. 14, 2020) <https://www.blm.gov/press-release/blm-wyoming-proposes-offer-260-parcels-december-2020-oil-and-gas-lease-sale>; BLM, “The Bureau of Land Management Bakersfield Field Office Issues December Oil and Gas Lease Sale Notice, Kern County,” (Oct. 8, 2020) <https://www.blm.gov/press-release/bureau-land-management-bakersfield-field-office-issues-december-oil-and-gas-lease-sale>.

¹² USFS, “Oil and Gas Resources,” (85 Fed. Reg. 54,311; Sept. 1, 2020) <https://www.federalregister.gov/documents/2020/09/01/2020-18518/oil-and-gas-resources>.

¹³ DOI, “Order No. 3388,” (Nov. 9, 2020).

¹⁴ OCC, “Fair Access to Financial Services,” (85 Fed. Reg. 75,261, Nov. 25, 2020), <https://www.federalregister.gov/documents/2020/11/25/2020-26067/fair-access-to-financial-services>

In conclusion, we urge you to immediately suspend implementation of all efforts intended to weaken the public health and climate protections afforded by our bedrock environmental laws. We also wish to emphasize that agencies must comply with their statutory record-keeping requirements, including those under the Administrative Procedure Act and the Congressional Review Act. As House Committee Chairs recently emphasized, Federal agencies must preserve all written and electronic records relevant to Congressional subpoenas and investigations consistent with the Presidential Records Act, the Federal Records Act, and related regulations.¹⁵

If you have any questions or comments, please contact Fatima Maria Ahmad, Senior Counsel for the Select Committee, at (202) 225-1106.

Sincerely,



Kathy Castor
Chair



Suzanne Bonamici
Member of Congress



Julia Brownley
Member of Congress



Jared Huffman
Member of Congress



A. Donald McEachin
Member of Congress



Mike Levin
Member of Congress



Sean Casten
Member of Congress



Joe Neguse
Member of Congress

¹⁵ House Committee on Oversight and Reform, “House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents” (Nov. 10, 2020), <https://oversight.house.gov/news/press-releases/house-committee-chairs-send-dozens-of-letters-directing-white-house-and-federal>