

February 15, 2021
Minnesota House Environment and Natural Resources Finance and Policy Committee
Minnesota House of Representatives
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Dear Chair Hansen and the Environment and Natural Resources Committee:

I would like to thank Chair Hansen and the Environment and Natural Resources Finance and Policy Committee for the opportunity to provide testimony in support of H.F. 168.

The Union of Concerned Scientists (UCS) is the nation's leading science-based nonprofit organization with more than 500,000 supporters, including 6,800 in Minnesota. We have over 50 years of experience putting science into action to build a healthier planet, a more equitable society, and a safer world. **UCS is grateful for the leadership of Rep. Fue Lee on environmental justice and for introducing this bill to protect frontline communities from cumulative impacts of pollution, and we are in full support of H.F. 168 as well as the amendments added, which strengthen the bill's protections and increase engagement with impacted communities.**

At UCS, we believe science [can and should be applied](#) to reduce racial and economic inequity. It is not enough to develop solutions that improve health, security, and the environment at a general level; we must ensure the solutions we pursue do not cause additional harm, and favor those solutions that can alleviate existing inequities. Data shows that certain populations in the United States, particularly African Americans, Latinos, and low-income communities, bear the worst brunt of environmental injustice, with disproportionate exposure to environmental pollutants and unequal health and safety risks from climate change.

Since health and safety are enjoyed unequally across racial lines, policies focused on the health and safety of communities should also focus on addressing inequities. Science has too often ignored or exacerbated racial inequities and must now be used to right those wrongs. Requiring community engagement and the analysis of cumulative impacts of pollution before issuing permits employs science and data to directly address and reduce environmental injustice. Data-driven policies that identify environmental justice communities and include the full context of disproportionate, compounded burdens they face in decision-making are key to addressing environmental racism. H.F. 168 is a major step forward in the pursuit of environmental justice for Minnesotans.

This bill would set strong criteria to define environmental justice populations, ensure the permitting process includes input from communities and analysis of cumulative impacts, and lay the groundwork to better protect environmental justice populations from pollution. Enactment of this bill would create long overdue protections for the Black, Brown, Indigenous, Immigrant and low-income communities, which experience disproportionate impacts of pollution and climate change *and* are often excluded from adequate participation in environmental decision-making.

H.F. 168 would provide enhanced public participation and agency review for actions that may affect environmental justice populations. This policy would help combat the as-yet intractable reality that people of color, low-income residents, and those lacking English language proficiency are disproportionately burdened by environmental contaminants and lack the environmental and energy benefits afforded to other, whiter and wealthier communities.

Currently, environmental justice guidelines often inform but do not drive decision-making. This allows for the concentration of polluting industries and facilities in our most vulnerable communities. Providing avenues for increased engagement with environmental communities and more rigorous analysis of the cumulative impacts of a long legacy of inequitable pollution will help center equity and environmental justice in decision-making.

The need for interventions to protect environmental justice communities becomes clear when looking at the data on air pollution and on health and economic outcomes, as well as the data on siting of polluting facilities and hazard waste sites.

The Union of Concerned Scientists recently analyzed exposure to air pollution from vehicles in Minnesota, and found stark inequities.¹

- Looking at the state as a whole, African Americans are exposed to *65 percent higher PM_{2.5} concentrations from on-road transportation than the average PM_{2.5} exposure for all Minnesotans*. Latinx residents experience concentrations 28 percent higher than the average resident. At the same time, white residents have an average exposure that is *9 percent lower* than the average for the state.
- Furthermore, PM_{2.5} exposure varies greatly within Minnesota (Figure 2). Ramsey County is exposed to the worst pollution levels, with an exposure that is 116 percent higher than the state average, followed by Hennepin County with an exposure that is 54 percent higher than the state average. Together, these two counties in which Saint Paul and Minneapolis are located, are home to almost one third of the state's population.
- The analysis also shows that less affluent households have a higher exposure to air pollution than more affluent households, although this disparity is not as pronounced among income brackets as it is among racial and ethnic groups. One of the most striking examples is in Hennepin County, where our analysis shows that the lower

¹ <https://blog.ucsusa.org/cecilia-moura/who-breathes-dirtiest-air-from-vehicles-minnesota>

the income, the dirtier the air breathed by those households. Figure 4 shows this trend. Those earning less than an annual \$20,000 breathe air that is 25 percent more polluted than the county average, while those earning more than \$200,000 breathe air that is 15 percent cleaner than the county average.

According to the Minnesota Pollution Control Authority's report [*The Air We Breathe: The State of Minnesota's Air Quality, 2021*](#), local pollution impacts of the most polluted areas have not decreased as much as average air pollution. The report continues, "in Minnesota, discriminatory housing policies, the placement of freeways in Black neighborhoods² and zoning and permitting decisions led to people of color being concentrated together with pollution sources. The result is air pollution that threatens higher health risks in areas where Black, Indigenous, people of color, and low-income residents live. The social, economic, and health inequities these groups face make them more vulnerable to the health effects of air pollution, further intensifying the impacts. Air pollution and health are closely linked, and even low levels of air pollution can contribute to serious illnesses and early death. The disproportionate impact of COVID-19 on Black, Indigenous, and people of color has brought the necessity of air equity into even sharper focus."

The health impacts of the cumulative burdens of pollution from fossil fuels, industry, and other sources warrant even higher scrutiny in light of the COVID-19 pandemic, an acute respiratory syndrome.

The COVID-19 pandemic is devastating communities across the United States, exposing vulnerabilities that have long, entrenched links with inequality.³ Disparities in mortality rates by race, life expectancy decreases by race, vaccination rates by race, and employment by race paints a bleak picture of inequity.⁴

Data has shown the disproportionate impacts of COVID-19 on communities of color due to inequitable access to healthcare and other forms of systemic and structural racism.⁵ Communities of color have also endured disproportionate economic impacts due to the pandemic: Black and Latinx Minnesotans are more likely to work in essential industries (which are often underpaid, lack health benefits, and have few worksite protections) and less likely to be in jobs that allow them to work from home.⁶ Latinx and multiracial Minnesotans are more vulnerable to layoffs and, through the course of the pandemic, 58% of Black workers and 46% of Indigenous workers have filed for unemployment insurance benefits.

² <https://www.dot.state.mn.us/I-94minneapolis-stpaul/background.html>

³ https://ucsusa.org/resources/covid-19-and-vulnerable-populations?_ga=2.208657937.203435562.1613151042-858563513.1612976248#ucs-report-downloads

⁴ <https://www.motherjones.com/coronavirus-updates/2021/02/covid-coronavirus-racial-disparities-deaths-impact/>

⁵ <https://news.harvard.edu/gazette/story/2020/04/health-care-disparities-in-the-age-of-coronavirus/>

⁶ <https://mn.gov/covid19/data/data-by-race-ethnicity/index.jsp>

Data also show that race is the most consistent factor in determining the location of commercial hazardous waste sites, nationally.⁷ Neighborhoods with higher populations of people of color also lack access to reliable municipal infrastructure and to healthy housing, food, green spaces, and other resources that mitigate environmental and energy burdens.⁸ These same communities are now at increasing risk from the high heat and severe weather events associated with the climate crisis.⁹

Since sources of toxics and air pollution are historically sited in BIPOC and under-resourced communities, which already suffer disproportionately from the health impacts of pollution as well as other socioeconomic vulnerabilities, it is key to take cumulative, disproportionate impacts into account in the permitting process to avoid further exacerbating the compounded impacts of a legacy of environmental racism and residential segregation.

The enhanced public participation and review outlined in these bills address inequities faced by environmental justice communities and provide tools for those communities to shape and benefit from environmental, energy, climate, and public health laws and policies. **This bill's requirements of meaningful public input and the use of cumulative impact data in permitting decisions is a critical step towards ensuring that all residents of Minnesota, regardless of their zip code and color of their skin, have the right to health, clean air, and safe communities.**

Thank you,

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Union of Concerned Scientists

⁷ Paul Mohai and Robin Saha, [Which Came First, People or Pollution? Assessing the Disparate Siting and PostSiting Demographic Change Hypothesis of Environmental Justice](#)

⁸ Rachel D. Godsil, Viewing the Cathedral from Behind the Color Line: Property Rules, Liability Rules and Environmental Racism, 53 Emory L.J. 1807, 1841–49 (2004), <https://ssrn.com/abstract=594066>; see generally The Call for Environmental Justice Legislation: An Annotated Bibliography (PRRAC 2018), <https://www.prrac.org/pdf/EJLegislationResearchGuide.pdf>.

⁹ H. Orru et al., The Interplay of Climate Change and Air Pollution on Health, 4 Current Env'tl. Health Report 504, 504 (2017) See also U.S. Global Change Research Program, Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II (2018) https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf