

## **Biden to crack down on polluters in poor, minority areas**

By Matthew Daly, Associated Press  
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(AP) — Following through on a campaign promise, the Biden administration on Thursday announced a wide-ranging enforcement strategy aimed at holding industrial polluters accountable for damage done to poor and minority communities.

The strategy includes creation of an Office of Environmental Justice within the Justice Department and reinstatement of a dormant program that allowed fines paid by industry as part of a settlement go to community activities such as river cleanup, health clinics or other programs that benefit the environment or public health.

“The burdens of environmental pollution have long been borne disproportionately by members of minority and low-income communities,” said Associate Attorney General Vanita Gupta in prepared remarks. “No American should have to live, work or send their kids to school in a neighborhood that carries an unfair share of environmental hazards.”

President Joe Biden had promised during the 2020 campaign that he would establish an environmental justice division in Justice Department and elevate environmental justice issues in an all-of-government approach.

The strategy unveiled Thursday is intended to guide the work of employees throughout the Justice Department, including U.S. attorneys across the country who will begin a renewed focus on environmental justice issues, Gupta said.

“This means prioritizing enforcement of environmental laws as well as civil rights statutes,” such as the 1964 Civil Rights Act that prohibits recipients of federal funding from discriminating on the basis of race, color, or national origin, she said.

Michael Regan, the administrator of the Environmental Protection Agency, said in a statement that the “partnership” between his agency and the Justice Department “has never been stronger” and will ensure that the federal government does all it can “to protect overburdened and underserved communities across America.”

The strategy follows a series of enforcement actions announced by Regan in January to address air pollution, unsafe drinking water and other problems afflicting minority communities in Louisiana and other Gulf Coast states that Regan toured in November.

The plan includes unannounced inspections of chemical plants, refineries and other industrial sites and installation of air monitoring equipment in Louisiana’s “chemical corridor” to enhance enforcement at a series of chemical and plastics plants between New Orleans and Baton Rouge. The region contains several hotspots where cancer risks are far above national levels.

EPA also issued a notice to the city of Jackson, Mississippi, saying its aging and overwhelmed drinking water system violates the federal Safe Drinking Water Act. The agency also said it would move forward on clean up creosote contamination from a site in Houston now owned by Union Pacific Railroad. The site has been linked to higher than normal cancer rates in the historically Black neighborhood in the city’s Fifth Ward.

Regan has made environmental justice a priority since taking the helm at EPA in March 2021. The weeklong “Journey to Justice” tour in November was intended to highlight areas in the American South that have long been marginalized and overburdened by pollution.

Biden requested \$1.4 million for the environmental justice in his budget proposal. Cynthia Ferguson, an attorney in the department’s Environment and Natural Resources Division will serve as acting director. The office will support environmental justice investigations and litigation and work with communities across the country with environmental justice concerns, the Justice Department said.

A rule being published in the Federal Register will restore the department’s ability to use Supplemental Environmental Projects, or SEPs, as part of settlements with corporate or industrial polluters. The projects

are intended to bring environmental and public health benefits to communities directly affected by the underlying violations.

A 2007 settlement with Texas-based energy company Valero included a \$4.25 million penalty and \$232 million in pollution controls at refineries in Tennessee, Ohio and Texas. The company was required to spend at least \$1 million to enhance efforts by a health center Port Arthur, Texas to diagnosis and treat asthma and other respiratory problems.