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Fenwick Island, DE 19944

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July 10, 2023

Adam Ortiz, Regional Administrator
U.S. Environmental Protection Agency, Region 3
Four Penn Center
1600 JFK Boulevard
Philadelphia, PA 19103-2029

Terry Garcia Crews, Regional Administrator
U.S. Federal Transit Administration, Region 3
1835 Market Street
Suite 1910
Philadelphia, PA 19103

Marianne Engelman-Lado, Acting Principal Deputy Assistant Administrator
Mathew Tejada, Deputy Assistant Administrator for Environmental Justice
Lilian Sotolongo Dorka, Deputy Assistant Administrator For External Civil Rights
U.S. Environmental Protection Agency
Office of Environmental Justice and External Civil Rights (OEJEER)
1200 Pennsylvania Avenue
WJC Building North, Room: 1448K
Washington, DC 20460

Re: Federal Funding and Environmental Justice

Regional Administrators Ortiz and Crews, Acting Principal Deputy Assistant
Administrator Engelman-Lado and Deputy Assistant Administrators Tejada and Dorka :

I am writing for your assistance on an environmental justice issue in Prince George's
County Maryland and numerous other communities of color throughout the Metropolitan
Washington area. I am writing to you as a group ... as the issue cuts across several
federal agencies and involves federally approved air quality and transportation plans

and government supported environmental racism. There are also potential civil rights issues.

The issue can be summarized as follows:

- The Metropolitan Washington Council of Governments (MWCOCG) will soon be submitting air quality and transportation plans that require federal approval
- These plans will continue to support systemic environmental racism by ignoring how “business as usual” processes for implementing federally approved plans clearly create high-risk air pollution hotspots and environmental injustices in communities of color across the MWCOCG region.
- As federal policy on environmental justice continues to evolve, at a minimum, these federally approved plans must include enforceable language that ensures that implementation of federally approved plans, especially when implementation involves federal transportation funding, will not create environmental justice problems and that existing environmental justice problems are not made worse.
- This is currently happening in Prince George’s County and throughout the MWCOCG region.
- MWCOCG appears to be unconcerned about this problem.

Based on President Biden's policies I urge you to make sure that environmental justice is addressed aggressively in these federally approved plans.

By way of introduction, my name is (b)(6) Privacy, (b)(7)(C) Enf. Privacy

[REDACTED] . I was

a member of MWCOCG's air quality committee (MWAQC) and chaired the MWAQC technical committee many times. I have considerable experience with the transportation conformity process and transportation related air pollution problems. I have many friends at EPA in Washington, Philadelphia and RTP. I am now retired and commenting today as a volunteer working for several Prince George's County environmental justice communities. I received my environmental engineering degree from Brown University.

Air quality improved dramatically during my career. Maryland’s efforts on climate change are amongst the best in the Country. I am proud of both of these accomplishments. Unfortunately, environmental justice has been overlooked for many, many years. I am not proud of that.

The issues I am raising at MWCOG are not uncommon ... They exist in many metropolitan areas. I am pushing these issues in the Washington, DC area, not because the region is inept, but because the area and its elected leadership have a long history of being environmentally progressive. For reasons that are not clear to me, MWCOG has chosen to ignore environmental justice problems resulting from transportation planning and projects creating air pollution hotspots in communities of color.

A few of the over 30 letters and public comments I have submitted to MWCOG are attached. Some of these letters provide sample language for including environmental justice from air pollution hotspots in federally approved air quality and transportation plans. Recent letters have also provided a simple framework for how MWCOG could begin to effectively address this serious issue. There has been no meaningful response. Knowing how strongly many of the elected members of MWCOG support the need to address environmental justice and racial equity, I believe there has been a significant communication breakdown between the MWCOG elected leadership and the MWCOG staff.

I have read the EPA legal analysis that identifies a long list of federal authorities and other federal tools to begin to more aggressively address environmental justice. It appears that both EPA and FHWA/FTA have ample authority to require areas like MWCOG to include enforceable requirements in their federally approved air quality and transportation plans to ensure that implementation of those plans does not create new environmental justice problems or make existing environmental justice problems worse.

I request that you use these authorities to require this in the air quality and transportation plans that will be submitted by MWCOG and the states over the next year.

I have already begun to work with Cristina Fernandez, the Air Director for EPA Region 3 on this issue. I would be happy to provide a more detailed briefing to the federal agencies who I believe can be a key driver for making real, timely progress on environmental justice.

I have also attached a civil rights complaint to MWCOG that is being pursued in parallel to this request for assistance from the federal government.

Respectfully,

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CCS:

Christian Dorsey, Chair, MWCOG Board
Reuben Collins, Chair, TPB
Anita Bonds, Chair, MWAQC
Ted Dernoga, Vice Chair, MWAQC

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Cristina Fernandez, USEPA
Mike Gordon, USEPA
Angus Welch, USEPA

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Shailen Bhatt, Administrator, US FHWA
Christophe Lawson, US FHWA
Nuria Fernandez, Administrator, FTA

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Phil Mendelson, DC Council
Clark Mercer, MWCOG
Kanti Srikanth, MWCOG
Lyn Erikson, MWCOG TPB
Jeff King, MWCOG MWAQC

Attachments