

National Hispanic Environmental Council



NHEC'S ASSESSMENT OF AND RESPONSE TO H.R. 1'S BROAD BASED ASSAULT ON FEDERAL ENVIRONMENTAL, ENERGY, NATURAL RESOURCE, AND PUBLIC HEALTH POLICIES AND PROGRAMS

In early February the House Appropriations Committee proposed its 2011 Continuing Resolution (H.R. 1), a massive 350 page bill which reduces 2011 discretionary funding by close to \$100 billion. This bill passed the House on Feb. 19, 2011.

Of the over 400 amendments that were offered to H.R. 1, dozens were focused on climate change, green energy policy, environmental protection, and natural resources. Below is the National Hispanic Environmental Council's in-depth analysis of this major bill.

If implemented, H.R. 1 will have a drastic impact on U.S. energy, environmental, and conservation policies and programs. The bill makes deep cuts in funding at all federal environmental agencies, but in particular those at the U.S. Environmental Protection Agency, the U.S. Department of Energy, the U.S. Dept of Interior, the U.S. Dept. of Agriculture, the U.S. Dept of Commerce and the Centers for Disease Control.

H.R. 1 severely cuts energy efficiency and renewable energy initiatives; slashes funding for vital federal programs to protect American lands, water, and wildlife; guts federal research funding for clean green energy research and loan programs; eliminates entirely or drastically curtails funding for green jobs programs; cuts programs designed to protect public and environmental health, especially for vulnerable low income and Latino--minority communities; trims environmental education and youth programs; and sharply cuts many programs that allow federal agencies to respond to climate change.

Further, in a series of 19 "environmental riders" tacked onto H.R. 1, the bill, by reducing or eliminating funding, specifically takes aim at a subset of environmental safeguards long opposed by conservative Republicans but essential to preserving clean air, clean water, pristine habitats, and public health.

These riders impose sharp restrictions on the ability of federal funds to be used to undertake new environmental initiatives or enact new regulations. Ironically, given the Republican's oft stated goals, many of these riders are deficit neutral -- they do not lower the deficit by one dollar. The goal of these amendments is not fiscal responsibility but rather a transparent attempt to cut or kill crucially important environmental regulations that many conservatives have long derided.

Two such environmental measures squarely in H.R. 1's crosshairs are the Clean Air Act and the Clean Water Act, vital laws which have literally saved tens of thousands of lives. Since their passage, these safeguards have forced the removal of numerous hazardous pollutants from the air all Americans breathe and the water we drink. **For Latinos, these two environmental laws alone have dramatically improved the health of Hispanics over the last 30 years by drastically reducing the rate of pulmonary, respiratory, infectious, and other diseases within our community.**

Some examples of how H.R. 1's riders target these and other critical public health and environmental laws/policies include:

- H.R. 1 prohibits its funds from being used to enforce any greenhouse gas emissions regulations.
- H.R. 1 blocks various rules regulating cement plant pollution, coal ash, industrial boiler pollution, water quality, climate change pollution and adaptation, energy-efficient lighting, mountaintop removal, atrazine, and water conservation.
- H.R. 1 states that no funds under the continuing resolution may be used by EPA to implement, administer or enforce a change to a rule or guidance document in regards to the "waters of the U.S." definition under the Clean Water Act (CWA)

The National Hispanic Environmental Council (NHEC), the only national Latino environmental and natural resource organization in the country, adamantly opposes the draconian funding cuts and unwise policy decisions that constitute H.R. 1.

NHEC believes H.R. 1 to be short-sighted, reckless, and a huge step backwards for America and the Latino community. It adversely impacts our nation's economy; infrastructure; research and development; science and technology innovation; job creation; and endangers public health. It particularly targets green energy, clean tech development, and related science investments -- one of the great hopes for American global competitiveness, but one of H.R. 1's biggest targets. Sadly, H.R.1 not only disinvests in the present, it robs our future.

The environmental roll backs in H.R. 1 are sweeping in scope and far over-reaching in its goals. If these cuts and policy restrictions are enacted into law, they would collectively constitute the most egregious assault on federal environmental protections in American history. The harmful impact on vulnerable low income, minority, and environmental justice communities would be incalculable.

NHEC supports the need to lower our nation's deficit, but such reductions must be reasonable and equitable. H.R.1 is neither.

NHEC will fight these cuts, and our members will work with all those who recognize H.R. 1 for what it is: **an unprecedented, misguided, wholly unwarranted attempt to eviscerate long standing and hard won environmental protections that form an indispensable safety net for all Americans, but especially Hispanic Americans.**

The following analysis is divided into three sections:

1. a summary that highlights the scope of H.R. 1's environmental assault;
2. an analysis of H.R.1's major cuts in key federal environmental and energy Departments; and
3. a summary of H.R. 1's major environmental impacts on the Latino community

HIGHLIGHTS OF H.R. 1 AND THE ENVIRONMENT

Below is a cross section of some of the key elements of H.R. 1 that demonstrate the breadth of its impacts on America's environmental policy and programmatic safety net. H.R 1:

- slashes 30% of EPA's budget (a total of nearly \$3 billion) in vital regulatory, administrative, programmatic, and policy areas;
- prohibits EPA from spending money to implement any greenhouse gas emission rules, especially through use of the Clean Air Act, an action that guts our nation's ability to fight global warming;
- prevents EPA from restoring Clean Water Act protections for thousands of American streams and wetlands, while slashing vital state revolving funds that protect and update clean and safe drinking water infrastructure. Further, H.R. 1 targets the implementation of the Endangered Species Act, Toxic Substances Control Act, and laws that provide for the cleanup of hazardous waste;
- cuts more than 35% of the Dept. of Energy's budget for energy efficiency and renewable energy programs; for the Office of Energy Efficiency and Renewable Energy, the primary DOE office charged with these programs, this is a reduction of \$786 million. This office also funds a number of green job initiatives, all of which would be slashed;
- cuts the Land and Water Conservation Fund by over 80%. The LWCF helps safeguard lands for future generations by providing millions of dollars to states and others to preserve and protect public lands, or purchase remaining pristine private lands that would otherwise be targeted for development;
- prevents the National Oceanic and Atmospheric Administration (NOAA) from moving forward with its planned Climate Service; this office is designed to be an agency that, like the U.S. Weather Service, provides the best, most impartial, most science-based research and data analysis on global warming;

- blocks U.S. funding to the United Nations for the “Intergovernmental Panel on Climate Change”, a multi-national body comprised of 2,000 or so of the world’s top scientists and researchers. The IPCC is widely considered the pre-eminent, most authoritative international entity on global warming. Further, H.R. 1 cuts all funding for the State Department to participate in future international climate talks hosted by the United Nations;
- prohibits EPA from implementing a rule to let cars use ethanol blends up to E15 (a fuel that is 15 percent ethanol), thus decreasing auto energy efficiency, costing individual drivers hundreds of dollars each year, and needlessly increasing the use of fossil fuel;
- cuts \$400 million in funding for the Low Income Home Energy Assistance Program (LIHEAP), an 11% cut to an already underfunded program. LIHEAP is critically needed; it provides emergency funds to low income households to help pay their home heating/cooling bills during freezing winters or broiling summers;
- cuts all federal job training programs by 52%, but particularly targets green jobs initiatives. The Dept. of Labor and Dept. of Energy are hit with several billion in green job cuts through the total elimination of some programs and the decimation of others. For example, the Green Jobs Innovation Fund/Pathways Out of Poverty (\$40 million) and the Career Pathways Innovation Fund (\$125 million) are now zero funded;
- eliminates all \$210 million in funding for the Dept. of Energy’s Weatherization Assistance Program. This key program has made hundreds of thousands of older homes across the U.S. more energy efficient, helping increase home values for many in this tough real estate market. Just as important, this retrofitting has also created thousands of new green jobs during the last three years. Weatherization gives homeowners hundreds of dollars in annual fuel savings each year, while decreasing the use of fossil fuels;
- suspends enforcement of the Endangered Species act in certain species, as well as suspends fisheries laws and construction and conservation acquisition programs at the Dept. of the Interior and Dept. of Agriculture;
- prevents the President from using funds to hire key staff to assist with energy and climate change policies. Eliminated are the White House Council on Environmental Quality; the Special Envoy for Climate Change; the Assistant to the President for Energy and Climate Change and others;
- cuts vital environmental education and STEM programs; for example, the National Science Foundation’s K-12 program will be drastically cut. The Dept. of Energy’s Office of Science will also be cut; and

- creates a major environmental justice problem. One of the environmental riders in H.R.1 would prohibit the federal government from paying the legal fees of individuals or citizens groups that successfully sue it under environmental laws. Largely unnoticed during the debate on H.R. 1, is that the consequences for individuals and/or organizations filing suit seeking environmental justice relief would be devastating. Many low income and people of color may not seek justice through legal action if they and their attorneys will not be compensated.

DEPARTMENTAL ASSESSMENTS:

The following summarizes and analyzes key budget cuts and policy restrictions under H.R. 1 at a number of federal environmental agencies.

ENVIRONMENTAL PROTECTION AGENCY:

Overall, H.R. 1 slashes EPA's budget by one third, or close to \$3 billion, to approximately \$7.2 billion.

*** H.R.1 makes some of the largest cuts in EPA's Clean Water (CW) and Drinking Water (DW) State Revolving Fund (SRF) programs.** SRF programs provide water grants to eligible communities based on state water priority projects. In FY 11, the proposed CW fund was \$2 billion and the DW fund \$1.3 billion. H.R. 1 severely reduces these amounts, to \$690 million for CW and \$830 million for the DW fund. Clean drinking water from public water works sanitation are highly effective public health interventions. According to the Centers for Disease Control (CDC), waterborne illnesses cost the U.S. between \$155-540 million a year in hospitalization costs alone. The result of H.R.1's cuts will be fewer programs in states to clean up water sources, with obvious harmful impacts on public health.

As mentioned above, one environmental rider in H.R. 1 would have a devastating impact on U.S. environmental protection. This rider prohibits EPA from proposing, implementing, or enforcing any regulations on stationary sources of greenhouse gas emissions because of concerns about climate change. These "stationary sources" include power plants, oil refineries, and other industrial facilities, which are collectively responsible for roughly 40% of all U.S. greenhouse gas emissions.

Further, another rider would block EPA from limiting emissions of greenhouse gases from any stationary source for any reason.

These two riders will have a profound impact, since – with the failure last year of Congress to pass a comprehensive plan to reduce carbon/other greenhouse gas emissions – H.R. 1 now eliminates the primary tool remaining to EPA to reduce global warming by regulating greenhouse gases.

* **Another rider would also endanger the U.S. Renewable Fuels Standard and historic Clean Car rules established in 2009.** The rider would negate voluntary green partnerships like EPA’s well known, highly effective Energy Star program, and cut funds from this program. In 2009 Energy Star helped save consumers nearly \$17 billion in purchases of appliances and other equipment, plus resulting savings in utility bills.

* **H.R. 1 also prohibits EPA from protecting Appalachian waterways and drinking water from the impacts of coal mining through “mountaintop removal”** – the controversial process that blasts away the top of mountains to access coal seams underneath, and in the process dumping tons of often polluted debris into neighboring valleys. The result is often the burying and contamination of headwaters, streams, and downstream sources of drinking water. This is a key limitation of EPA’s authority under the Clean Water Act.

EPA would also be prohibited from developing or issuing standards that list coal ash as a hazardous waste, thus requiring more careful disposal. Currently, billions of tons of coal ash, which contains toxic heavy metals, are produced annually as a byproduct of coal-fired power plants.

This coal waste is stored in slurry ponds all across the country, and current regulations do not require disposal in landfills designed to contain hazardous wastes and keep contaminants from leaching into the groundwater. EPA is developing new disposal rules for coal ash since a disaster at a coal slurry pond spilled billions of gallons of toxic sludge that polluted nearby land and spilled into streams flowing to the Tennessee River in Dec. 2009. This is another key limitation of EPA’s authority under the Clean Water Act.

* **H.R.1 also prohibits EPA from using funds to implement the agency’s recent decision to increase the amount of ethanol allowed in gasoline from 10% to 15%** by volume. EPA issued a rule in Oct 2010 permitting so-called “E-15” ethanol-gasoline blends to be used in vehicles made after 2007, and in January issued a follow-up ruling extending this to cars manufactured between 2001 and 2006. All these are now blocked.

* **another environmental rider would prevent EPA from limiting toxic emissions from cement plants.** The amendment would block the EPA's efforts to keep 16,000 pounds of mercury a year out of the air, with obvious detrimental impacts on public health, especially for Latinos, who suffer disproportionately from mercury exposure due to proximity to environmental justice sites.

* **H.R.1 stops EPA from proceeding with the National Ambient Air Quality Standards, a regulation that pertains to particulate matter** – basically soot -- in the air. In addition to all the obviously harmful effects such a limitation would have on public health, one unintended consequence of the absence of this standard is that many local and especially rural governments will now be considered in non-attainment from natural events, such as wind storms, wildfires, and even driving down a dusty road.

* **H.R. 1 prohibits EPA from using federal funds to enact Water Implementation Plans in the Chesapeake Bay**, one of America's largest fresh water estuaries.

U.S. DEPT. OF ENERGY:

* **H.R. 1 cuts the Weatherization Assistance Program (WAP)**. As stated above, this grant program provides funds to weatherize the homes, especially older houses, of applicants, especially low-income and needy families. DOE gives funding to states, tribes, and territories to distribute to community action agencies, non profit organizations, and local governments that provide the weatherization services. In the last two years alone, WAP has renovated 423,918 homes nationwide, including 23,000 in California.

Weatherizing homes is one of the cheapest and easiest ways to save money, cut energy use, reduce pollution, and contribute to fighting climate change. WAP has also been a key green jobs program; thousands have been trained and employed in the last three years to perform home and commercial weatherization, providing much needed jobs during this tough recession to many low income and minority workers.

H.R. 1. eliminates all \$210 million in funding for the Weatherization Assistance Program

* **H.R.1 hits hardest at DOE's Advanced Research Projects Agency-Energy (ARPA-E)**. This young agency, first funded in 2009 to invest in the most transformative early-stage energy innovation projects, would lose 75% of its budget under the bill. H.R. provides \$50 million to ARPA-E in FY 2011, compared to \$300 million provided under the America COMPETES Act passed in December.

Economists estimate that the worldwide clean-technology market will reach \$2.3 trillion by 2020. China invests almost \$12 billion monthly into its renewable-energy sector. Given this, H.R. 1's cuts make little sense; it would result in the termination of dozens of future-forward projects such as creating next-generation electric batteries; developing biofuels; and inventing materials for next generation nuclear reactors.

This means the U.S. would risk losing many of the investments already made in the last few years, as well as its competitive advantage in maintaining leadership in these science fields relative to other countries.

* **H.R.1 also hits hard at DOE's Office of Energy Efficiency and Renewable Energy** which was responsible for roughly one third of DOE's energy innovation investments in 2010. Under H.R. 1, EERE would see a 35% budget cut. EERE funds vital research into renewable energy; advanced vehicles; green building technology; and appliances.

* **H.R.1 also cuts DOE's Office of Science**, which funds crucial early-stage energy innovation research; it would be hit with a 20% reduction in its budget. In 2010 the Office of Science devoted one fifth of its budget to energy innovation and R&D, while supporting fundamental physical science research.

* **H.R. 1 also cuts DOE's key loan guarantee programs**, which work to fill the gap left by the private sector in financing the development and deployment of innovative renewable energy and efficient technologies. For example, DOE's Advanced Technology Vehicles Manufacturing Loan Program would be reduced by 50%, or \$10 million. In 2010, DOE's Loan Programs Office was the world's largest financing source for renewable energy. Without this office, many clean energy companies will struggle to overcome the financial gaps and risks to fully commercialize their technologies.

* **H.R. 1 also strikes at innovative energy projects already in the pipeline.** It rescinds all unobligated Recovery Act funds, which effectively eliminates financing for 20 major DOE loan guarantee applications currently underway but not yet finalized. A further six innovative energy projects that received conditional DOE loan commitments and subsequently secured private sector financing are threatened, because the Office of Management and Budget will not consider loan guarantees to be obligated until loans have closed. These major projects would also be cancelled under H.R. 1.

* **H.R. 1 would severely damage DOE's ability to collect and analyse a wide variety of vital energy and climate change data.** For example, DOE's independent Energy Information Agency would be hit with a 15% reduction. EIA is the preeminent collector and disseminator of vital statistics and projections of energy production, consumption, and pollution. Further, H.R. 1 would zero fund DOE's Greenhouse Gas Registry, an office that collects data on companies' carbon-dioxide and other climate destabilizing gases. The cuts to these two offices only total about \$25 million – but the harm these cuts would do to our energy and economic knowledge base would be incalculable.

U.S. DEPT. OF HEALTH AND HUMAN SERVICES:

* **H.R. 1 cuts the Low Income Home Energy Assistance Program.** As stated earlier, LIHEAP provides funding to states, tribes, and territories that offers vital assistance to eligible low-income families to pay their heating and cooling bills. The program consists of block grant formula funds (\$4.5 billion) and a smaller Contingency Fund (\$590 million). The Contingency Fund provides emergency funding to supplement regular LIHEAP grants and is distributed to states to help households, especially those in states with particularly high home energy assistance needs.

LIHEAP is a critical social safety net program that literally saves lives each year, but is widely recognized as being chronically underfunded. LIHEAP is administered by HHS.

H.R. 1 -- in the face of one of the snowiest, coldest winters in decades, when the need has rarely been greater -- eliminates the LIHEAP Contingency Fund for the rest of the year (a cut of \$390 million).

U.S. DEPT OF LABOR:

H.R. 1 eviscerates overall federal employment and training programs at the Dept. of Labor; key programs like the Workforce Investment Act (WIA) are deeply hit. When totaled, DOL employment programs are cut by \$3.8 billion, or 52%. Between 1.5 – 2 million workers will be directly affected by cuts of this magnitude. Further, H.R. 1 would force the 3,000+ “One Stop” employment, training, and service centers located in towns and cities all across the country to close, with catastrophic impacts on workers, communities, and our economy.

But within this 52% cut lies the majority of the green job training programs at DOL. Should these cuts stand, the consequences to our nation of successfully building the next generation of green collar and high tech environmental workers for the emerging clean energy economy will be devastating.

Further, the American Recovery and Reinvestment Act made a major down payment on the future competitiveness of America’s workers by investing \$500 million to train people for existing jobs in weatherization, retrofitting, utility trades, public lands and more. ARRA also invested in science, technology, engineering, and STEM education, and related training for the clean energy jobs of the future. Should H.R. 1 be enacted, this major investment would largely be wasted, since few federal funds would remain to build on this green job foundation.

*** H.R.1 completely eliminates \$40 million in funding for the Green Jobs Innovation Fund** – which includes the important Pathways Out of Poverty program; the Career Pathways Innovation Fund is entirely cut, at \$125 million; Youth Build is entirely cut, at \$102 million; the Re-integration of Ex-Offenders is entirely cut, at \$108 million; and the Job Corps – which has an important green job component run through the Forest Service – is cut by \$300 million.

* Other job training programs slated to be cut also have some green components, such as the Dislocated Worker National Reserve and Emergency Grants and the Senior Community Service Employment Program.

Cutting all these critical green job training and employment programs in the middle of the worst recession in 70 years clearly makes no economic or employment sense at a time when the national unemployment rate is still over 9%, and remains over 25% for youth aged 16 – 19. And for Latino/minority youth, the unemployment rate in some cities is a shocking 40%+.

U.S. DEPT. OF INTERIOR:

H.R. 1 threatens to directly undermine decades of conservation gains. The proposed cuts and policy restrictions slash key natural resource programs, and severely curtail public—private conservation efforts throughout the nation.

*** H.R. 1 deeply cuts the Land and Water Conservation Fund (LWCF).** H.R.1 cuts \$532.6 million out of the FY 11 budget of \$619 million – more than an 80% decrease. Of the reduction \$329 million would come from the federal land acquisition program; the remaining \$50 million is from the State assistance program, zero funding this program.

The LWCF State Assistance Program is the only one that provides dollar-for-dollar matching grants to states and local governments specifically for the acquisition and development of public outdoor recreation facilities (parks, wildlife habitats, fields for youth sports, walking trails, etc). The reality will be that most community outdoor recreation projects will not proceed without federal aid from the LWCF State program.

For underserved and minority communities, the absence of funding will mean that many Latino communities will continue to be “park poor” – an environmental justice situation that describes the unequal and disproportionate lack of urban parks in minority communities in cities such as Los Angeles, New York, Chicago, and others.

*** H.R. 1 cuts the North American Wetlands Conservation Act (NAWCA).** The bill eliminates funding for NAWCA, a cut of \$47 million dollars in wetlands habitat efforts. NAWCA provides funds for conservation of waterfowl and other migratory bird habitats through public and private partnerships.

*** H.R.1 cuts DOI Climate Change Adaptation.** The bill reduces funding for DOI programs designed to conduct research and technical assistance to fish and wildlife and related habitats threatened by climate change. Cuts total \$48 million, more than 30%.

*** H.R.1 cuts State and Tribal Wildlife Grants.** These grants provide federal money to every state and territory for efforts for preventative efforts to avoid certain fish and wildlife from becoming so degraded they end up on the endangered species list. Currently funded at \$90 million, this program would be zero funded.

* **H.R. 1 cuts the U.S. Fish and Wildlife Service.** H.R. 1 directly targets the operations and effectiveness of the FWS by cutting its operations budget by \$65 million. This is aimed at reducing its funding for monitoring and protection of endangered fish and wildlife, and for the siting of renewable energy projects.

* **One environmental rider under H.R. 1** directs the Secretary of the Interior to reinstate a 2009 rule delisting wolves under the Endangered Species Act within portions of the northern Rockies within 60 days of the bill's enactment. Further, it insulates the action from judicial review. This provision would overturn a federal court decision and establish the dangerous precedent of having Congress determine when and how to delist a species, as opposed to the current practice of having the Fish and Wildlife Service use impartial science to make this determination.

* **Another amendment in H.R. 1 prohibits the Department of the Interior from issuing new regulations to limit stream damage from surface coal mining;** if this stands it will seriously jeopardize environmental assessment and cleanup in states throughout the country, but especially in Appalachia.

U.S. DEPT. OF AGRICULTURE:

Although less well known than the U.S. Dept. of Interior, the USDA has vital and wide ranging responsibilities in the sustainable agriculture, ag research, conservation, and natural resource fields. It operates important programs in these areas at USDA sub-agencies such as the Natural Resources Conservation Service, U.S. Forest Service, Agricultural Research Service, and others.

H.R.1 hits USDA heavily – the cuts total \$5.7 billion or 24.5%. Further, H.R. 1 particularly aims at the department's conservation and renewable energy programs/policies. Further, House Republicans took the highly unusual step of re-opening the 2008 Farm Bill in order to make cuts there as well, which were included in H.R.1. H.R. 1 now slashes mandatory Farm Bill conservation programs by \$500 million

These cuts fall especially hard on several modestly funded programs that support socially disadvantaged, beginning, and minority farmers; H.R. 1 terminates these programs. If these disproportionate and inequitable cuts stand, they will devastate minority farmers, and especially Latino farmers, as outlined below.

In addition, many of the cuts target the rapidly expanding arena of sustainable agriculture—farming that promotes using organic, environmentally friendly methods to grow foods and raise livestock in an effective, pro-conservation way.

What H.R. 1 does not do is make any cuts to the two largest spending programs within USDA – commodity and crop insurance subsidies -- programs that often benefit the largest farming entities, like corporate agribusinesses.

Despite the unusual move re-open the 2008 Farm Bill and make cuts to mandatory programs in an appropriations bill, none of the cuts in H.R. 1 target commodity and crop insurance subsidies.

In a year when many farmers – especially corporate agribusiness -- saw high revenues, H.R. 1 focuses its cuts upon programs that protect the environment, increase economic opportunity, serve beginning and minority farmers, and ensure proper nutrition for low-income families.

* **H.R. 1 cuts the 2008 Farm Bill Conservation programs.** H.R. 1 cuts parts of the 2008 Farm Bill, including a 9.5% cut in mandatory farm bill conservation funding. For example, the bill slashes the Environmental Quality Incentives Program by \$350 million, and the Wetlands Reserve Program by \$119 million. Also cut is \$39 million from the Conservation Stewardship Program. Conservation technical assistance is cut by \$51 million.

* **H.R. 1 cuts the Sustainable Agriculture Research and Education competitive grants program.** This important although underfunded program was cut an additional \$11 million. This program is vital to helping promote the “sustainable agriculture” movement among farmers. Further, the Agriculture and Food Research Initiative was cut by \$34.7 million.

* **H.R.1 cuts the Direct Farm Ownership Loan Programs.** The bill cuts several farm loan programs. It cuts farm ownership loan availability by 27 %, to \$475 million. It also eliminates all funds for subsidized guaranteed farm operating loans, a \$170 million cut.

Further, H.R. 1 cuts direct farm operating loans by 10% to \$900 million. This will impact the ability of many farmers to obtain credit, but this cut falls most heavily on beginning and minority farmers, to whom this loan targets in particular. This just adds more hurdles for minority/Latino farmers, struggling with myriad challenges in starting up their farms during this severe recession.

* **H.R. 1 also zero funds the Direct Conservation Loan program.** This program helps fund smarter, safer, and more environmentally sound practices on the private lands of farmers and ranchers.

* **H.R.1 cuts the Natural Resources Conservation Service (NRCS).** Regarding supporting conservation practices on private lands, H.R.1 cuts funding for NRCS by 15%, or \$170 million. NRCS is the only federal agency charged with supporting environmental protections on private lands like farms and ranches. The cuts target technical and financial assistance for landowners.

* **H.R. 1 entirely eliminates funding for several small programs of major importance to beginning and minority farmers.** For example, the Office of Advocacy and Outreach (located in the Office of the Secretary), is zero funded. This critical program was created in the 2008 Farm Bill, in direct response to USDA's long and well established history of blatant discrimination towards minority farmers. This Office coordinates policy and outreach USDA-wide to beginning, women, and minority farmers.

Also terminated is the Office of Tribal Relations, the National Sustainable Agriculture Information Service, and the Organic Transitions Research Program. All are programs that have small budgets but big missions -- supporting the most chronically underserved of America's farmers. All are zero funded in H.R. 1.

* **H.R. 1 cuts USDA's Food Safety Inspection Service.** Although not an environmental agency, FSIS plays a critical role in guarding our nation's food supply. According to the Centers for Disease Control, acute food borne illnesses cost the U.S. \$152 billion per year in healthcare, workplace and other economic losses. H.R. 1 cuts FSIS's budget by \$88 million.

U.S. DEPT. OF COMMERCE:

Within Commerce lies one crucial environmental agency – the National Oceanic and Atmospheric Administration – NOAA. NOAA oversees a number of programs related to oceans (through the National Ocean Service); marine biology; commercial fishing monitoring and operations; earth satellites, weather and meteorological services at the National Weather Service, and more.

* **H.R.1 prohibits NOAA from moving forward with its planned “Climate Service”**, to be modeled upon the highly regarded National Weather Service. This Climate Service is designed to conduct intensive research, as well as collect and analyze data on a strictly science-only basis, thus ensuring our nation possesses the best, most impartial, most rigorous researched information on global warming. H.R.1 halts the creation of this needed Service.

* **H.R.1 cuts \$454 million from NOAA operations** and facilities for oceans and atmospheric science , including reductions to National Marine Fisheries Service programs.

CENTERS FOR DISEASE CONTROL:

The CDC is our nation's preeminent federal health, wellness, disease, and environmental health research and prevention agency. It works with public health departments across the country; funds state and community health departments to implement a variety of public health programs; and provides specialized training to all manner of medical professionals. CDC works to create the expertise, information, and tools that people and communities need to protect their health – through health promotion, prevention of disease, injury and disability, and preparedness for new health threats. It is a part of the U.S. Dept. of Health and Human Services.

CDC's impact on the health of Americans has been significant. For example, CDC funded programs in 36 states and territories are home to 5.3 million children younger than age 18 living with asthma. With CDC assistance, these states have implemented comprehensive asthma control programs that saw a 10% decline in asthma-related hospitalizations between 2000 and 2007, resulting in a \$23 million reduction in hospitalization costs. Additionally, mortality rates for asthma declined 30% from 1999 to 2006, resulting in a near \$1.5 billion reduction in productivity losses due to mortality.

CDC has two major environmental health sub-agencies -- the Agency for Toxic Substances and Disease Registry (ATSDR) and the National Center for Environmental Health (NCEH).

These two agencies work closely with EPA, other federal environmental agencies, and many state and local agencies in overseeing programs that collect, assess, monitor, and analyze a wide range of chemical, biological, toxicological, epidemiology and other media that impact the public and environmental health of our nation and its people. CDC's environmental health work is highly regarded and widely used.

*** despite the above, H.R. 1 cuts CDC's budget by 25%, including for ATSDR and NCEH.** The detrimental public health and environmental health consequences of this reduction are staggering to contemplate.

CLIMATE CHANGE INVESTMENT FUNDS:

One outcome of the Copenhagen and Cancun climate change summits of the last two years was a pledge by dozens of major nations to make a financial commitment that would pool funds to support the "Climate Investment Fund". The United States also agreed to support this initiative.

The Climate Investment Funds are a pair of funds designed to help developing countries projected to be most impacted by global warming, such as through rising sea levels, increased droughts, food shortages, and more. The Funds will create pilot projects in renewable energy, sustainable forest management, water conservation projects, and more.

Over \$6 billion has been donated to date by First World nations. The Funds are operated through a number of international banks, such as the World Bank, European Bank for Reconstruction and Development, the Inter-American Development Bank, and others.

H.R. 1 eliminates funding for the U.S. contribution to the Climate Investment Fund, a reduction of \$635 million.

SUMMARY OF H.R. 1's ENVIRONMENTAL RESTRICTIONS/CUTS WITH MAJOR RELEVANCE TO AND IMPACT ON LATINOS

As the above analysis makes clear, H.R. 1 is a sweeping assault on a wide array of environmental laws and regulations in the federal energy, environmental, natural resource, and public health arena. Further, the proposed cuts will carve deeply into the environmental safety net that has been built in the U.S. over the last 30 years.

Because of its scope, if enacted H.R. 1 will touch the lives of virtually every American, including Latinos. However, some elements of H.R. 1 have a special relevance to and will particularly impact our community. The following spotlights those cuts and restrictions that NHEC believes do just that.

THE CLEAN AIR ACT, GLOBAL WARMING, AND LATINOS

H.R. 1 prevents EPA from spending funds on implementing any greenhouse gas emission rules, especially through the use of the Clean Air Act. Quite simply, this action eviscerates one of the preeminent tools our nation has to fight global warming and preserve public health.

Through these funding restrictions and harmful environmental riders, H.R. 1 is a targeted, deliberate effort to handcuff EPA's ability to use the Clean Air Act. However, in doing so it is also directly targeting the Latino community.

The Clean Air Act (CAA) is a landmark environmental and public health law that has been extraordinarily effective since its inception in 1970 and further improvements made in 1990. It requires EPA to develop and enforce regulations to control air pollution on a national level by reducing airborne contaminants, smog, and other toxic airborne pollutants. The goal is to protect the health of the American people.

The success of the CAA over the last four decades cannot be overstated. Where once many of America's cities were cloaked in hazardous smog, through the CAA there has been a dramatic drop in air pollution. Under the CAA, EPA is required to identify industrial sources for 187 listed toxic air pollutants; since its passage, the law has resulted in the drastic reduction of toxic metals/chemicals like mercury, arsenic, chromium, sulfur dioxide, nickel and many others from our air.

Further, the CAA has not only made our air healthier, it has helped make our lakes, rivers and streams cleaner. Acid rain -- which deposits mercury into water and also fish -- is caused by air pollution. While mercury pollution unfortunately is still too high in our waterways, the CAA has been a major reason mercury has been lowered in our nation's waters. **In short, the CAA has unquestionably saved millions of American lives over the last 40 years.**

With the advent of global warming awareness, scientific research demonstrated that carbon dioxide, sulfur dioxide, and other greenhouse gases were major causes of climate change. Given this, a growing number of states, cities, environmental organizations and others began demanding that the federal government curb these gases, especially those emitted from automobiles, a major source of greenhouse gases.

However, from 2001—2008 the Bush Administration steadfastly refused to decide if carbon dioxide and other greenhouse gases contributed to global warming, and argued that even if these did the EPA did not have the power to regulate them under the CAA.

However, in a landmark decision in 2007, the Supreme Court ruled that the Bush Administration was wrong to refuse to decide if greenhouse gases caused global warming; that greenhouse gases are air pollutants under the CAA; and further, that EPA did have the authority to regulate these emissions. In 2009, after extensive hearings and studies, EPA issued a formal finding that greenhouse gases did indeed endanger public health, and began the process of regulating these under the CAA.

NHEC believes that H.R.1 is yet another in a series of stubborn Republican efforts dating to the Bush Administration to prevent EPA from using the Clean Air Act to address global warming. **These efforts will have major, disproportionate, and harmful health consequences for Latinos.**

Latinos have a significantly increased risk of developing acute and chronic illnesses like asthma and other pulmonary and respiratory diseases from exposure to air pollution – including greenhouse gases – because a disproportionate number of Latinos live in areas that fail to meet one or more federal standards for clean air.

In a major 2006 study, it was found that 30 million Latinos – at that time 72% of all Hispanics in the U.S. – lived in areas that do not meet federal air pollution standards for one or more pollutants. Further, over 28 million Latinos lived in areas that do not meet the federal standard for ozone.

In addition, a number of socio-economic factors will exacerbate the impact on Latinos from the effects of air pollution and greenhouse gases should the Clean Air Act be curtailed under H.R.1.

Low income and poor Latinos have far less access to quality health care, health insurance, and adequate housing. These conditions make our community especially vulnerable to climate change related illnesses, a reality that will only be exacerbated should air pollution and greenhouse gases increase. **Today, Latinos have some of the highest rates of asthma in the country. According to studies by the CDC, from 2005 –2008, 8% of all Latino children suffered from asthma; for Puerto Rican children, especially those living in Puerto Rico, the rate was an astonishing 19%.**

Further, Latinos have some of the highest rates of exposure to mercury among all populations, due to our community living in closer proximity to environmental justice sites (i.e. industrial facilities, landfills, toxic waste incinerators, coal fired power plants, etc) than other Americans. Compounding this is our community's proximity to coal fired plants – among the nation's greatest source of stationary pollution. According to the EPA, in 2005 these plants accounted for 70% of the emissions of sulfur dioxide, nearly 50% of mercury, and 20% of the nitrogen oxide. Further driving up Latino mercury rates is the somewhat higher rate of fish consumption among certain Latino subgroups (mercury accumulates in fish through air pollution).

Finally, Latinos are among the most uninsured and under-insured population in the U.S. for health insurance. Estimates are that in 2010 39% of all Latinos lack health insurance, with 25% of Latino children being uninsured. This reality clearly compounds Latino vulnerability to air pollution and greenhouse gases.

For all these reasons, Latinos need the strongest possible enforcement of the Clean Air Act. Those most vulnerable – our children, elderly, and uninsured -- are at great risk. **Over the last 40 years the Clean Air Act has unquestionably saved the lives of tens, if not hundreds of thousands of Hispanic Americans. If enacted, H.R 1 would return us to a tragic past where Latinos and other Americans routinely fell ill and/or died from air pollution.** This cannot be allowed to happen again.

LATINOS AND PUBLIC HEALTH/ENVIRONMENTAL HEALTH:

As described above and elsewhere in this document, H.R.1 will have a severe impact on the public and environmental health of Americans, and especially Latinos. Through cuts and policy restrictions at EPA, HHS, DOE, and the Centers for Disease Control (CDC), Latinos – especially the most vulnerable within our community -- will be at risk.

But one particular reduction in H.R. 1 bears highlighting again. That is the 25% cut in CDC's budget. A cut of this magnitude would severely impact the work of America's pre-eminent disease prevention, wellness, and research agency.

Further, CDC's two main environmental health agencies – the Agency for Toxic Substances and Disease Registry and the National Center for Environmental Health – would be hard hit.

H.R. 1's reductions would limit CDC's ability to provide capacity, training and research to ensure state and local health departments can maintain strong core environmental health services (e.g. restaurant and septic inspections, technical assistance for air and water borne illnesses, etc).

It would also affect CDC's ability to respond to radiological events or disasters, provide environmental epidemiologic expertise to state and international agencies, and work with communities affected by radiation. As the earthquake/tsunami/nuclear power plant disaster in Japan now unfolding is so clearly showing, limiting CDC's ability to provide basic environmental health and radiation preparedness is dangerous and short-sighted.

Given this, NHEC believes the consequences to Latinos from a public health and environmental justice standpoint would be severe.

ENVIRONMENTAL JUSTICE IMPACT FROM H.R. 1 ON LATINOS:

H.R. 1 has created a potentially major environmental justice challenge for Latinos and other people of color. One of the environmental riders in H.R.1 would prohibit the federal government from paying the legal fees of individuals or citizens groups that successfully sue it under environmental laws. Since the amendment does not change the underlying law, it essentially would require that the government default on its obligation to pay the fees.

Largely unnoticed during the debate on H.R 1 was the consequences on individuals and/or organizations filing suit seeking environmental justice relief. The impact would be devastating. It is highly likely that many low income and people of color would not seek justice through legal action if they knew that they and their attorneys would receive no compensation should they win.

LATINOS AND LIHEAP:

H.R. 1 cuts \$400 million in funding for the Low Income Home Energy Assistance Program (LIHEAP), an 11% cut to an already underfunded program. LIHEAP is critically needed; it provides emergency funds to low income households to partially pay their home heating/cooling bills during freezing winters or broiling summers. LIHEAP is run by the Dept. of Health & Human Services, Administration for Children and Families.

NHEC believes that of all the energy programs targeted for budget cuts in H.R.1, none will more immediately and directly affect Latinos – both numerically and in its real world consequences – than those aimed at LIHEAP.

LIHEAP is an instrumental part of a federal safety net for poor and low income people that each year saves thousands of lives. Although not a public health program per se, it functions in that capacity. It keeps air conditioners running or furnaces burning for those most vulnerable – children, the elderly, and the sick.

Further, H.R. 1's cuts come at a time of record demand for LIHEAP. In 2008, 5.8 million people sought LIHEAP assistance; in 2010, the number was 8.3 million, and experts project that in 2011 8.9 million Americans – many of whom are Latinos – will apply for LIHEAP.

In 2010, the 50 states and Washington D.C. received an average of \$96.3 million in LIHEAP funds. The largest recipient, New York State, received nearly \$524.3 million. Typically, households receiving LIHEAP save about \$385 on their energy bills each year.

States are already fearful about how they will manage H.R.'s cuts to LIHEAP. In Florida for example, about 250,000 households are projected to receive aid in 2011; in that state LIHEAP is 100% funded by the federal government, with no state contribution. If H.R. 1 is enacted, or if other federal cuts are made to LIHEAP, it is extremely unlikely that the state will fill the gap, given the current composition of the state legislature. Other states are facing similar situations.

Exacerbating all this is the fact that the winter of 2010-2011 has been one of the harshest on record, with record snowfalls all across America. And of course the on-going recession has cut family incomes, driving up the need for LIHEAP even more.

Because Latinos are disproportionately poor and low income, and now with the highest birth rate and corresponding percentage of children among all Americans, **NHEC believes that H.R.1's cuts to LIHEAP pose a major public health, environmental health, and energy challenge for our community.**

LATINOS AND THE WEATHERIZATION PROGRAM:

H.R. 1 eliminates all funding -- \$210 million -- for the Dept. of Energy's Weatherization Assistance Program (WAP). As stated earlier, this grant program provides funds to weatherize homes, especially older houses. DOE gives funding to states, tribes, and territories to distribute to community action agencies, non profit organizations, and local governments that provide the weatherization services. In the last two years alone, WAP has renovated 423,918 homes nationwide, including 23,000 in California.

NHEC believes that H.R. 1's cuts to the Weatherization program is the energy program that will have the second largest numerical impact on and immediacy for Latinos. As with LIHEAP, this is based on its real world impact to actual people in our community.

One key goal of WAP is to weatherize and make energy efficient many older homes. Older or run down homes leak energy, sometimes extremely so, and thus cost more -- sometimes far more -- for occupants to heat or keep cool.

Weatherizing homes is one of the cheapest and easiest ways to save money, cut energy use, reduce pollution, and contribute to fighting global warming. Indeed, studies show that commercial and residential buildings are a major source of greenhouse gas emissions -- larger even than cars and trucks. Thus, retrofitting homes -- especially older homes -- to be more energy efficient will have a significant impact on curbing global warming. Thus DOE's WAP program.

WAP also has important health benefits. Older, non-weatherized homes are drafty and often contain mold and other hazardous contaminants. Retrofitting these homes not only makes them more energy efficient, it makes them cleaner, safer, and healthier for occupants.

DOE's WAP has also been a key green jobs program. Thousands have been trained and employed in the last three years to perform home and commercial weatherization, providing much needed jobs during this tough recession to many low income and minority workers. Many Latinos have been trained and obtained jobs in this growing green job field.

The facts are that Latinos, especially in urban areas, more often live in older or run down homes or apartment buildings. Further, many Latinos living in these areas are poor or low income who do not have the funds to retrofit their homes without WAP assistance. **Because of this, NHEC believes that H.R.1's cuts to the WAP program will disproportionately and negatively impact Hispanic Americans from an environmental, economic, and health standpoint.**

LATINOS AND GREEN JOBS:

H.R. 1 slashes overall federal employment and training programs at the Dept. of Labor with a 52% cut, or a total of \$3.8 billion. Between 1.5 – 2 million workers will be directly affected by these draconian reductions. Further, H.R. 1 would force the 3,000+ “One Stop” employment, training, and service centers located in towns and cities all across the country to close, with catastrophic impacts on workers, communities, and our economy.

As noted earlier, within this 52% cut lies the majority of the green job training programs at DOL. Should these cuts remain, the consequences to our nation of successfully building the next generation of green collar and high tech environmental workers for the emerging clean energy economy will be devastating.

Additionally, stimulus funds made a major down payment on the future competitiveness of America’s workers by investing \$500 million to train people for existing jobs in weatherization, retrofitting, electric utility trades, public lands, and more. Indeed, opportunities abound in the new green energy economy; for example, it is projected that over 50% -- thousands of workers -- in the electric utility field will be retiring in the next 5 years. Should H.R. 1 be enacted, this major investment would largely be wasted, since few federal funds would remain to build on this green job foundation.

H.R.1 completely eliminates funding for the DOL Green Jobs Innovation Fund – which includes the important Pathways Out of Poverty program (POP). A number of national, regional and local Latino non-profit organizations have successfully competed for and obtained grants under POP to provide green job training to minority Americans and others. Also cut is the Career Pathways Innovation Fund; Youth Build; and the Re-integration of Ex-Offenders. Also cut is the Job Corps, which has an important green job component run through the Forest Service, by \$300 million.

Slashing the majority of green job training and employment programs in the middle of the worst recession in 70 years clearly makes no economic or employment sense at a time when the national unemployment rate is still over 9%, and remains over 25% for youth aged 16 – 19.

For Latinos, the unemployment rate is approximately 15%, and for Latino/minority youth, the unemployment rate in some cities is a shocking 40%+. Millions in our community are unemployed or underemployed. Further, Latino employment in certain fields, like construction, has fallen dramatically during the recession, with little to replace it other than green jobs, or the hope of being trained in this new field.

NHEC believes that H.R. 1’s green job cuts will fall disproportionately on Hispanic Americans, by closing off opportunities to economic prosperity and a new future that employment in the emerging clean green economy represents.

LATINOS, AGRICULTURE, FARMING, AND CONSERVATION:

As noted earlier, H.R. 1 entirely eliminates funding for several programs at the U.S. Dept of Agriculture of vital importance to beginning, disadvantaged, and minority farmers. This is critical to Latinos for several reasons.

By its own admission, USDA has a long, sad and well-documented history of severe, systemic discrimination against minority and women farmers that extends back at least 60 years. To their credit, the last 4 Administrations, including the Obama Administration, have sought to address the problem in a variety of ways.

USDA Secretary Vilsack has been a particular driver in the effort to bring justice and financial relief to women and minority farmers harmed by USDA's record of discrimination. He has led the effort to settle the class action lawsuits against USDA, and over the last two years USDA, together with the Dept. of Justice, has successfully negotiated and concluded the lawsuits by African American farmers (Pigford II) and Native American farmers (Keepseagle). The suits by women farmers and especially Latino farmers (Garcia) remain open; USDA continues to negotiate with the plaintiffs.

During the last re-authorization of the Farm Bill, in 2008, Congress authorized the creation and funding of several offices within USDA that would help to further address the legitimate concerns of minority farmers, and aid them in more fully accessing USDA programs and funding. Created were the Office of Advocacy and Outreach; the Office of Tribal Relations; and the Farmworker Coordinator (all located in the Office of the Secretary).

Over the last three years, these offices have proven instrumental in opening the doors of opportunity for minority, disadvantaged, and immigrant farmers at USDA. They provide important guidance, services, some funding, and advocacy for a segment of Americans historically locked out of USDA's programs, a vital function in light of USDA's past discrimination. However, despite their big missions these offices all have small budgets.

Sadly, H.R. 1 totally eliminates funding for these three critical offices. If enacted, minority Americans will lose a crucial, effective portal into USDA.

In addition, H.R.1 cuts a number of loan guarantee programs essential to beginning and minority farmers. This is particularly harmful in both impact and perception – much of USDA's historic discrimination against minority farmers was through the misuse of USDA's loan programs.

H.R.1 cuts the farm ownership loan availability program by 27 %, to \$475 million. It also eliminates all funds for subsidized guaranteed farm operating loans, a \$170 million cut. Also zero funded is the Direct Conservation Loan program, designed to help farmers operate their lands in a more environmentally friendly way.

Further, H.R. 1 cuts direct farm operating loans by 10% to \$900 million. While this will impact the ability of many farmers to obtain credit, this cut falls most heavily on beginning and minority farmers, to whom this loan programs targets in particular. This just adds more hurdles for minority/Latino farmers, struggling with myriad challenges in starting up their farms during this severe recession.

Today, Latino ranchers and farmers are the fastest growing segment of American agriculture, in both whole numbers and as percentage. Since many white Americans have left farming, this is a significant development.

Further, many of these Latinos are beginning farmers – individuals who used to labor in the fields as migrant workers, but who through extraordinary struggles saved enough to purchase their own acreage. They now work their farms not only as landowners, but as owners of the American dream.

NHEC believes the above cuts in H.R. 1 will fall disproportionately on Latino ranchers and farmers, all in the midst of the worst recession in decades. Further, if enacted it will stifle one of the most important economic and demographic trends in American agriculture today – the growth of Latino farmers.

NATIONAL HISPANIC ENVIRONMENTAL COUNCIL

Founded in 1997, the National Hispanic Environmental Council (NHEC) is a national, non-profit organization with over 5,000 professional and student members. Based in Alexandria, VA, **NHEC is the only national Latino environmental and natural resource organization in the country.** NHEC is an advocacy, policy, and programmatic group, and works to represent the interests of Latinos before federal, state, and green group decision-makers. NHEC is committed to ensuring our community has a seat and a voice at the national environmental decision-making table, and we seek to educate and engage Latinos on a range of environmental and natural resource issues. **Our credo is: “....because it’s our environment too”.**