

Date: October 26, 2021

To: White House, Senate, House of Representatives

From: The Center for Biological Diversity, Food & Water Watch, Friends of the Earth, Indigenous Environmental Network, Oil Change, and WE ACT for Environmental Justice

Re: Final negotiations must re-center climate and environmental justice as pillars of the Build Back Better Act

We are at a crucial inflection point. The IPCC has declared a code red for humanity and our ability to address the climate crisis hinges on the policies implemented by this Congress. President Biden campaigned on promises to address the climate crisis and has taken some positive steps, such as issuing executive order 14008 to create a White House Environmental Justice Advisory Council and the Justice40 Initiative. However, many of the Biden Administration's platform priorities were meant to pass through the Build Back Better Act, which started as an ambitious once-in-a-generation investment in long neglected areas, including health, childcare, and climate. But the climate portions of the reconciliation package have been steadily whittled down by conservative influence and special interests, and we call on Democratic leadership to re-center climate and environmental justice as pillars of the Build Back Better Act.

The reconciliation package was projected to ramp down emissions by 45 percent beneath 2005 levels by 2030, and one of the largest individual contributors was going to be the Clean Electricity Performance Program (CEPP). But it is important to note that the scope of the climate crisis extends far beyond a clinical accounting of carbon emissions — both historically and currently, BIPOC communities are disproportionately exposed to co-pollutants and other environmental injustices from our energy infrastructure. The urgent need to transition to renewable energy does not excuse efforts to re-embed the injustices existing under our current fossil fuel economy. Redressing these harms must be irrevocably intertwined with our climate policy. This is where the House version of CEPP would have [fallen short](#). Although the program disincentivized uncaptured fossil fuel energy, it also supported harmful and unsustainable technologies like carbon capture and nuclear power, and ignored the impact of co-pollutants. Efforts to replace the CEPP or reallocate the program's funding must not repeat this error.

We strongly condemn the bad faith efforts of members of Congress aligned with fossil fuel interests to undermine climate priorities in the reconciliation package — but this must be a call to action, as the pressing need to transition towards just and renewable energy remains unchanged by the political friction in Congress. Democratic leadership must act decisively to bolster climate programs in the Build Back Better Act and ensure that the package results in aggressive emissions reductions that are consistent with Biden's pledge to center environmental justice in climate policy.

This starts by:

- Ensuring that reallocated CEPP funding centers environmental justice
 - President Biden has indicated that he will reallocate the \$150 billion intended for CEPP into other energy programs. This will be a litmus test for his pledge to center environmental justice in climate policy. His own White House Environmental Justice Advisory Council has denounced nuclear energy and fossil fuel infrastructure like CCS as harmful to communities. CEPP funding must not prop up these toxic energy sources. Nuclear power and fossil fuels through CCS and fossil-based hydrogen have no place in renewable and just climate policy.

- Increasing direct funding to community renewables and energy efficiency programs
 - There are many renewable energy programs, like the Low-Income Solar program, within the Build Back Better Act that would benefit from increased funding. Developing proven renewables, like wind and solar, in accordance with the White House Environmental Justice Advisory Council [recommendations](#), should be the keystone of climate action. Prioritizing distributed energy resources, energy efficiency programs such as the High-Efficiency Electric Home Rebate Program, and community-owned energy programs will also have additive benefits in green jobs, healthy homes, and energy justice. Further, this direct funding for distributed renewable energy build-out must uphold Biden's pledge for Justice40 and ensure Indigenous communities and tribes are fully funded.
- Repealing \$121 billion in both domestic and international fossil fuel subsidies
 - The current House version of Build Back Better includes closing two major tax loopholes for international fossil fuel income, which should absolutely remain in the package. However, addressing emissions reductions at the source will require ending domestic fossil fuel subsidies. Transitioning to a sustainable energy mix must include an end to using taxpayer funds to prop up the industries actively driving this climate crisis.

We recognize that the Biden Administration and progressives are fighting to keep meaningful and just climate provisions in the Build Back Better Act — and this must start with increasing funding for distributed renewable energy, rejecting false clean energy solutions, and repealing fossil fuel subsidies.