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Via email.

August 2, 2022

Stacey M. Jensen
Office of the Assistant Secretary of the Corps
108 Corps Pentagon
Washington, DC 20310-0108

Re: Modernization of Army Civil Works Policy Priorities, FR Doc # 2022-11881

Dear Ms. Jensen:

I appreciate the opportunity to provide comments to the United States Army Corps of Engineers (USACE) regarding modernizing its Army Civil Works policy priorities. The comments contained here focus primarily on the aspect of environmental justice.

Advancing Environmental Justice through the US Army Corps of Engineers (USACE)

Inclusion of environmental justice within the policies and practices of USACE is necessary to ensure that its programs serve the needs of all people, not only affluent communities or industry. The Environmental Protection Agency (EPA) [defines environmental justice](#) as: “the fair treatment and meaningful involvement of all people, regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Fair treatment means that no group of people, including racial, ethnic, or socio-economic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state, local and tribal programs and policies.” On its website, the EPA also states that when this goal is realized, everyone will achieve:

- The same degree of protection from environmental and health hazards, and
- Equal access to the decision-making process to have a healthy environment in which to live, learn, and work

The incorporation of environmental justice into the mission, process, and policies of USACE is needed now more than ever. Global climate change harms our homes and neighborhoods, damages our infrastructure, and threatens our economy. Our Texas office often encounters community members who have suffered greatly from climate disasters like Hurricane Harvey and Winter Storm Uri. Rising seas, rising temperatures, drought, and extreme rainfall [exacerbate injustice](#).

Inclusion must be prioritized in order to achieve environmental justice. USACE must strive to adequately inform communities about upcoming projects. However, delivering information is only part of the solution to advancing environmental justice. USACE must also solicit and respond to community input in



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a meaningful way, taking into account concerns raised by community members and developing strategies to mitigate harms or changing course if necessary. This topic will be addressed in greater detail below.

Defining a Disadvantaged Community

Several tools exist for defining disadvantaged communities, like EPA's EJ Screen and the White House Council on Environmental Quality (CEQ)'s Climate and Economic Justice Screening Tool. Both tools provide valuable data on considerations like proximity to pollution, health disparities, socioeconomic indicators including race (in EJScreen only), etc. In conjunction with each other, these tools can be helpful for screening. One limitation of these tools, however, is the difficulty in capturing disadvantaged communities that exist at a scale smaller than the census tract level. USACE should evaluate communities on a more granular scale, at the block level instead.

The State of New York is also [currently seeking to define](#) disadvantaged communities and is including several categories that are important considerations. Under "Environmental Burdens and Climate Change Risk," New York is proposing to consider land use and facilities associated with historical discrimination and disinvestment, potential climate change risks, and potential pollution exposures.

It is important to acknowledge the harms of historical policies like redlining on communities of color and other communities, and to acknowledge that many of these harms extend to today. For example, recent [research from University of Washington](#) shows that previously redlined neighborhoods have higher levels of air pollution than other neighborhoods. Rand Corp. [developed a tool](#) that overlays historically redlined communities with environmental indicators like diesel particulate pollution, highlighting the strong correlation between the past policies and current environmental injustice. This tool includes data on redlining, environmental indicators from EJ Screen, temperature data, data on tree canopy cover, and flood zone data.

Moving forward, USACE must recognize cumulative impacts residents in disadvantaged communities face, from pollution of the air, water, and soil to the legacy of economic disinvestment. We recommend that USACE include health impact assessments as part of major projects moving forward to better understand how the health of communities may be harmed by USACE projects and to mitigate those harms.

Benefit-Cost Analysis Harms Disadvantaged Communities

The way that flood risk management is currently approached exacerbates systemic inequities and must be changed in order to prevent disadvantaged communities from bearing disproportionate consequences resulting from the execution of federal, state, local and tribal programs and policies.

At present, Black communities [lose wealth](#) after flooding disasters while White communities gain wealth. Furthermore, [Black and Latino communities](#) have inequitable protection from flooding and inequitable access to recovery dollars. USACE must expand and modify the Benefits Cost Analysis (BCA) methodology to capture full cost, full benefits, and eliminate inequities. To do this, USACE needs to



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include both social and economic costs within their studies to see the full impact and to clearly define the economic and social risks of implementing or failing to implement projects. A good analysis considers distributional consequences. When bound by strict benefit-cost tests, federal agencies fail communities.

BCAs should not rely only on property values to determine benefits or else USACE's processes will implicitly prioritize communities with higher incomes and wealth, which are often also predominantly white communities.

We also encourage USACE to prioritize green infrastructure solutions that can help restore ecosystems, conserve open spaces, and provide natural landscaping. These kinds of solutions should also be considered for projects in disadvantaged communities that may lack adequate access to green space and [the benefits green spaces provide](#).

Advancing Efforts on Community Outreach

For USACE to provide communities with equal access to decision-making processes regarding the environment, you must do two things.

First, USACE must clearly articulate adverse impacts on communities, including the impacts that may extend beyond the scope of the project itself. For instance, when a dredging project will place material within a community, the people residing in neighborhoods closest to the project should be informed and information should be provided in accessible language, both in terms of accessibility in comprehending the project impacts but also in language accessibility in communities where non-English language speakers reside.

Second, USACE should reach out in a targeted fashion to local community groups, neighborhood associations, environmental organizations, and other interested groups well in advance of any comment period deadlines and ideally in advance of the release of materials for comment. USACE should work with groups to host informational sessions or other public meetings so that the public can learn about proposed projects, learn about community concerns and develop a plan to mitigate adverse impacts well in advance of the project start date.

USACE should also monitor when disaster declarations might affect the participation of community members in decision making. For instance, USACE had an open comment period for the Draft FEIS for the Houston Ship Channel (HSC) Expansion Project in the autumn of 2017. However, this comment period coincided with recovery from Hurricane Harvey. Communities that would be impacted by the project, like Galena Park, Clinton Park, Pleasantville, etc., were mucking out their homes and recovering from the storm. We encourage USACE to inform the community but also be sensitive to their needs in order to garner meaningful participation on major projects like the HSC expansion.

Concluding Remarks

We strongly encourage USACE to follow the recommendations above and to commit to environmental justice by issuing an annual progress report on its efforts on environmental justice. Monitoring progress



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will give USACE confidence that its intentions to include communities and its efforts toward environmental justice are effective.

USACE must act quickly. A lot is at stake for the millions of Americans facing disaster and disproportionate environmental harms due to the climate crisis and other social injustice.

Again, we appreciate the opportunity to provide these comments. If you wish to discuss the issues raised, please contact Adrian Shelley at ashelley@citizen.org, 512-477-1155.

Respectfully,

Stefania Tomaskovic, Ph.D.

Houston-based Organizer and Researcher

Public Citizen