

United States Senate
WASHINGTON, DC 20510

May 11, 2020

Mayor Muriel Bowser
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Governor Andrew Cuomo
NYS State Capitol Building
Albany, NY 12224

Governor Larry Hogan
100 State Circle
Annapolis, MD 21401

Governor Tom Wolf
508 Main Capitol Building
Harrisburg, PA 17120

Governor John Carney
150 Martin Luther King Jr Blvd South
Dover, DE 19901

Governor Ralph Northam
P.O. Box 1475
Richmond, VA 23218

Governor Jim Justice
State Capitol, 1900 Kanawha Blvd. E
Charleston, WV 25305

Dear Mayor Bowser, Governor Cuomo, Governor Hogan, Governor Carney, Governor Wolf, Governor Justice, and Governor Northam:

We write to you today as we are deeply concerned about the actions of the United States Environmental Protection Agency (EPA) in the midst of the COVID-19 pandemic. As you know, Americans are currently facing the worst public health crisis in a century and we appreciate the work that you and your states are doing on the front lines to address it. Yet, in the middle of the COVID-19 pandemic, the EPA has taken several actions that will increase pollution and cause significant adverse impacts to public health and our environment.

Specifically, the relaxation of the Enforcement and Compliance Assurance Program, outlined in the EPA memorandum released on March 26, 2020, could have significant negative impacts on the health of the Chesapeake Bay and its 64,000 square mile watershed, and those Americans who depend on it for recreation, fishing, and clean water. As the Executives of the states containing the Chesapeake Bay watershed, each of you is entrusted with the responsibility of preserving and restoring the health of the nation's largest estuary and its thousands of rivers and streams.

Since the states and EPA agreed to the Chesapeake Bay watershed restoration goals in 2010, much progress has been made towards improving the health of the watershed. Today, we are at a critical juncture. Positive signs of recovery have emerged in the Chesapeake Bay itself and in tributaries throughout the entire watershed, proving that the collaborative restoration effort is working. We are more than half-way to achieving the shared goal of clean water by 2025.

However, each jurisdiction still has much work left to do, as detailed in your recent Phase III Watershed Implementation Plans (WIP). And we are concerned that the recent decision from EPA on environmental enforcement during the COVID-19 pandemic could weaken your ability to achieve the goal of clean water by 2025.

The vitality of the Chesapeake Bay watershed is contingent upon compliance with statutory pollution limitations. EPA's decision to refrain from enforcement action against entities' failure to comply with their obligations under federal law, federal permits, EPA administrative orders and EPA-related judicial consent decrees abdicates its duty to "protect human health and the environment". During the worst public health crisis in a century, we expect EPA to prioritize its core mission of protecting public health and our environment.

Additionally, communities of color and low-income neighborhoods in our watershed, and across the nation, will disproportionately bear the brunt of pollution attributed to the announcement that normal enforcement operations are indefinitely suspended. These populations, in particular, have endured public health disparities for years due in part to the fact that many households in these communities live in close proximity to such facilities. EPA's changes to enforcement and compliance standards may slow the march toward greater environmental justice and expose people who are already at a high risk for contracting COVID-19 and other diseases to greater danger.

We urge you all to reject the EPA's memorandum and provide an update on your plans to ensure critical and essential environmental enforcement within your authorities during this time. Maintaining transparency and the ability for the public to comment on any actions is necessary at all times, especially now, and we urge all state and local governments to utilize technology to meet these obligations. As many of you are partnering to respond to the COVID-19 on a regional basis, we must all work together to meet our mutual goal of clean water in the Chesapeake Bay watershed by 2025.

Our unique partnership of states, localities, and the Federal government has led to tremendous progress to restore the Chesapeake Bay watershed that we share. We have urged EPA to reverse its damaging decision and ask that you continue your longstanding commitment to enforce environmental laws and make progress towards our 2025 goals.

We look forward to your response.

Sincerely,

/s/ Chris Van Hollen
United States Senator

/s/ Benjamin L. Cardin
United States Senator

/s/ Tim Kaine
United States Senator

/s/ Mark R. Warner
United States Senator

/s/ John P. Sarbanes
Member of Congress

/s/ Steny H. Hoyer
Member of Congress

/s/ C.A. Dutch Ruppersberger
Member of Congress

/s/ Anthony G. Brown
Member of Congress

/s/ Jamie Raskin
Member of Congress

/s/ Robert C. "Bobby" Scott
Member of Congress

/s/ A. Donald McEachin
Member of Congress

/s/ Gerald E. Connolly
Member of Congress

/s/ Eleanor Holmes Norton
Member of Congress

/s/ David J. Trone
Member of Congress

/s/ Jennifer Wexton
Member of Congress

/s/ Donald S. Beyer Jr
Member of Congress

/s/ Elaine G. Luria
Member of Congress