good energy collective

February 7, 2022
White House Environmental Justice Advisory Council

Subject: Public Comment from Good Energy Collective to the White House Environmental Justice Advisory Council in response to the public meeting held January 26-27, 2022

Dear Esteemed Members of the White House Environmental Justice Advisory Council:

Good Energy Collective (GEC) is pleased to submit comments to the White House Environmental Justice Advisory Council (WHEJAC). President Joseph R. Biden established the WHEJAC with the important task of advising the White House Council on Environmental Quality (CEQ) and the newly established Interagency Council on how to address environmental injustice in the United States.[1]

GEC is working to identify policy solutions that address lasting environmental injustices relating to the fuel cycle and siting of nuclear energy. Specifically, we are articulating policies that would advance restorative justice through the clean-up of former nuclear weapons test sites and uranium mines and mills; policies that promote procedural justice by giving communities greater authority and autonomy in decisions about whether and where nuclear technology is operated; and policies that embody distributive justice by ensuring that a more diverse set of communities have access to nuclear energy, where there is interest.

Introduction

Injustice has been a defining characteristic of the United States' legacy with nuclear energy. In the United States, communities of color and Indigenous communities have borne most of the pollution and toxic legacies of the U.S. nuclear weapons test programs and the front end of the fuel cycle for nuclear energy. Meanwhile, whiter and wealthier communities have been more likely to benefit from the clean power, well-paid jobs, and local economic benefit afforded by nuclear energy generation.[2]

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[1] U.S. Government Publishing Office, "Executive Order 14008 of January 27, 2021: Tackling the Climate Crisis at Home and Abroad" (2021), https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad.
[2] River Bennett and Alex Gilbert, "Can Nuclear Energy Jobs Power a Just Transition?" Good Energy Collective, 19 January 2022,

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About Good Energy Collective: GEC is a progressive policy research organization focused on building the progressive case for nuclear energy as an essential part of the broader climate change agenda. GEC works with industry, the administration, Congress, and NGOs across the political spectrum to help shape the future of advanced nuclear technologies to contribute toward an environmentally just climate response.

If nuclear energy is to continue to play a part in a sustainable, progressive vision for our domestic energy system, the federal government and the nuclear industry must first work to address the historically inequitable balance between who has experienced the benefits and the detriments, respectively, of nuclear technology. GEC researches how the entire nuclear energy system, from the deployment of new reactors to the front and back end of its fuel cycle, can be more socially and environmentally just going forward. For example, we are exploring ways to:

1.) Secure restorative justice for communities that live in and around former nuclear weapons test sites and uranium mines and mills by increasing funding and federal commitment for clean-ups,
2.) Protect communities going forward by exploring alternative sources of nuclear fuel;
3.) Compensate former uranium workers and their families for contamination due to uranium unsafe mining and milling practices;
4.) Follow consent-based practices for the siting of nuclear plants and nuclear waste that take communities interests and concerns into account at every stage of the stakeholder process—and, critically, allow communities to decide whether these projects move forward in their neighborhoods;
5.) Establish models of community ownership for advanced nuclear projects, whose smaller and factory-fabricated nature makes them more suited to local, rather than solely utility-led, construction and ownership; and
6.) Explore ways that nuclear developers, utilities, or other energy stakeholders can distribute nuclear energy more equitably by allowing more communities (if the communities are interested) to have access to electricity from nuclear.

The WHEJAC can take several steps that could advance environmental justice as relates to nuclear energy. Below, we make three specific recommendations to the WHEJAC and provide additional feedback that we hope will be useful to the council's deliberations.

Recommendations

Communities across the country, predominantly communities of color and Indigenous communities, have waited decades for the cleanup of the yellowcake and other contaminants unleashed from the soil and that uranium companies left unremediated. These communities continue to experience devastating health impacts related to their multigenerational exposure to radon, arsenic, and other toxicants related to the front end of the nuclear fuel cycle.

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https://uploads-ssl.webflow.com/5f05cd440196dc2be1636955/61e864060e5d8dc834dbaaa4_Can%20Nuclear%20Energy%20Jobs%20Power%20a%20Just%20Transition.pdf, 8.

At the January 26-27 WHEJAC meeting, Tina Cordova, co-founder of the Tularosa Basin Downwinders Consortium, talked in her public remarks of the scars that the detonation of a nuclear device in New Mexico's desert caused at what is referred to as the "Trinity" site. These Downwinders experienced high levels of radiation, and nearby communities continue to register higher rates of diseases, including cancer, as well as fear that interacting with their land may harm their health.[3]

Also at the meeting, WHEJAC Co-Chair Richard Moore expressed an interest in the WHEJAC moving to take a closer look at addressing the impacts of "military toxics" throughout the United States, citing repeated feedback he and others have received regarding the environmental racism evident from past military activities.

Recommendation 1: Recommend to the CEQ that the following investments be explicitly included in the definition of what counts as a benefit for disadvantaged communities under Justice40 in the category of Remediation and Reduction of Legacy Pollution[4]: "Restoration of uranium mines, uranium mills, and nuclear weapons test sites."

Recommendation 2: Establish a WHEJAC working group to explore potential recommendations across the full suite of legacy waste issues in the United States, inclusive of uranium mining and uranium milling and military toxics. The working group could in part act to identify the most polluted among the abandoned uranium mines and military testing sites to help establish a list of the top-priority sites for clean-up.

As the WHEJAC has witnessed, the Biden-Harris administration is making an effort to begin weaving considerations of environmental justice into the fabric of operations across all or most federal agencies. Progress is frustratingly slow, which we continue to believe is primarily due to slow-to-change, bureaucratic procedures than to an intentional slow-walking of efforts to improve. Thankfully, progress is getting underway in certain pockets, including the U.S. Department of Energy (DOE) Office of Nuclear Energy, which is actively working to incorporate and uphold environmental justice across its programs and activities and to stand up new programming that is environmental justice-focused.

Recommendation 3: As the WHEJAC members' time allows, consider reaching out to the DOE Office of Nuclear Energy to exchange information and ideas and to hear what the department is doing to embed environmental justice considerations into the agency's work.

[3] Atomic Heritage Foundation, "Trinity Test - 1945," 18 June, 2014, https://www.atomicheritage.org/history/trinity-test-1945.
[4] U.S. Office of Management and Budget, "Memorandum for the Heads of Departments and Agencies, 20 July 2021, https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf, 6.

Additional Feedback

Climate Resilience Working Group

GEC noted with interest the CEQ presenters' indication that the WHEJAC would be tasked with developing a working group focused, broadly, on improving climate resilience. Improving the climate resilience of nuclear energy will be critical going forward. As is the case for other clean energy technologies, more study is needed into how nuclear energy can be hardened against climate risks that are growing in frequency and intensity, including risks from extreme heat, wildfire, drought, floods, and rising sea levels. Ultimately, nuclear energy may offer some positive attributes of climate resilience, including its smaller land requirements, and the potential of newer modular or microreactors to operate underground. As another example, one nuclear reactor could power all or most of a community that wishes to isolate itself on a microgrid during broader grid disruptions caused by extreme weather events. Mark Chambers of the CEQ discussed this "islanding" capacity as an important area of potential research going forward. The WHEJAC may want to examine nuclear energy as one component of the climate resilience working group.

Feasibility Study for Advanced Nuclear Siting in Puerto Rico

Our organization was disheartened to hear about the concerns raised by WHEJAC Member Ruth Santiago over the process of community engagement followed in the DOE-funded feasibility study into whether advanced nuclear energy could work for Puerto Rico. Any nuclear siting process must firmly uphold procedural justice, which means engaging local communities from the outset of conversations and empowering them to learn about the proposed action and to ask questions. We hope that those involved with the feasibility study will course-correct and address any shortfalls—whether real or perceived—in community engagement.

Staffing at the Council on Environmental Quality

GEC is deeply sympathetic toward the WHEJAC's frustrations with the quantity of dedicated CEQ staff working on implementing the Biden-Harris administration's environmental justice commitments. We support the WHEJAC in continuing to urge CEQ and the administration to increase funding for the CEQ and the number of CEQ staff with a portfolio specific to environmental justice in order to augment the office's competencies and ability to meet the administration's promises to support environmental justice communities.

While Slow, Progress Is Occurring

We have been encouraged by two recent actions that Congress has taken in support of a more just implementation of nuclear energy.

The first of these is the inclusion, in the Infrastructure Investment and Jobs Act enacted Nov. 14, 2021, of Section 40321, which directs the DOE to provide financial and technical support for

feasibility studies determining potentially suitable locations for newer kinds of nuclear reactors in communities that are currently disconnected from a regional electric grid.[5] The infrastructure law specifies that these feasibility studies are not to occur until "robust community engagement and outreach for the purpose of identifying levels of interest in isolated communities" is performed. We are heartened that Congress carefully phrased the provision to protect the interests of local communities and ensure proper procedures of engagement are followed in gauging communities' interest in adopting advanced nuclear technology.

In addition, on Jan. 19, 2021, the House Science, Space, and Technology Committee took action to strengthen the United States' weak understanding of nuclear energy's social dimensions. Before reporting to the full House of Representatives a bipartisan bill to invigorate U.S. universities' leadership in nuclear research and development,[6] the committee adopted an important amendment offered by Rep. Jamaal Bowman (D-NY) that would enable an existing DOE program to support nontechnical academic research in the social sciences regarding nuclear energy.[7] The amendment increased authorized funding for this program by $15 million per year and defined nontechnical research in part as that which can increase community participation and confidence in nuclear energy. The House of Representatives, on Feb. 4, 2022, passed this legislation within the America Competes Act, which now awaits conferencing with the Senate.

While these legislative developments mark a positive directional change in Congress and should ultimately enhance the role of communities in nuclear siting, the federal government will need to take many additional steps to uphold environmental justice as relates to nuclear energy.

GEC believes that, if done right, nuclear energy could be an important energy source that, alongside resources like renewables, energy storage, geothermal, and hydropower, could help us reduce our carbon and criteria air pollutant emissions, as nuclear produces energy without operating emissions and takes up a smaller footprint than other clean energy sources. However, the nuclear industry must change the way it does business for nuclear to play a part in our shared vision for our communities, environment, and economy. We will continue to work to articulate policies that would foster a more community-based, progressive approach to each aspect of the nuclear energy fuel cycle and nuclear deployment.

We would be very happy to meet with members of the WHEJAC if that would serve the council's important deliberations, though we also recognize how much time and energy that members are already putting into the activities of the WHEJAC and want to be respectful of the council's time.

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[5] U.S. Congress, "Infrastructure Investment and Jobs Act," PL 117-58, https://www.congress.gov/bill/117th-congress/house-bill/3684/text.
[6] U.S. House of Representatives, "H.R. 4819 - National Nuclear University Research Infrastructure Reinvestment Act of 2021," https://www.congress.gov/bill/117th-congress/house-bill/4819.
[7] U.S. House Committee on Science, Space, and Technology, "Amendment to H.R. 4819 Offered by Mr. Bowman of New York," 18 January, 2022, https://science.house.gov/imo/media/doc/BOWMAN_033_xml.pdf.

We appreciate your consideration of our recommendations and look forward to following the continued work of the WHEJAC.

Sincerely,

Jackie Toth
Deputy Director
Good Energy Collective