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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

ADAM TOMLINSON, REPUBLICAN STAFF DIRECTOR
DAN DUDIS, DEMOCRATIC STAFF DIRECTOR

March 25, 2025

The Honorable Lee M. Zeldin
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Zeldin:

We write concerning your extensive terminations of grants and technical assistance programs at the Environmental Protection Agency (EPA). These terminations—which violate a number of court orders—escalate your attempts to impound Congressionally-appropriated, legally-obligated funds protecting clean air and clean water and powering domestic investment in low-cost clean energy. According to documents obtained exclusively by Senate Committee on Environment and Public Works (EPW) Democratic Staff, including a list produced by your office of roughly 400 grants targeted for termination, you pursued these terminations in knowing violation of the Terms and Conditions clauses of EPA’s contracts, which stipulate conditions under which a grant can be terminated.¹ We call on you to follow the law, cease and desist implementation of EO 14151, rescind the grant terminations, and provide information on EPA’s decision-making process concerning the grant terminations and wider closure of the Office of Environmental Justice and External Civil Rights (OEJ-ECR).

In a March 10 press release, you announced that EPA, with the “assistance” of the so-called Department of Government Efficiency (DOGE), had terminated more than 400 previously-awarded grants across nine programs that would have invested \$1.7 billion to improve air and water quality and enhance resilience to extreme weather in communities across the United States.² Documents obtained by the Committee show you justifying these terminations by relying on Executive Order 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing,” which directs federal agency heads to “terminate, to the maximum extent allowed by law, all DEI, DEIA, and ‘environmental justice’ offices and positions.” Apparently also in response to EO 14151, you ordered the elimination of EPA’s Office of Environmental Justice and External Civil Rights and its regional offices, and placed

¹ U.S. Environmental Protection Agency, Office of the Administrator, List of Grants Targeted for Termination (Mar. 11, 2025); U.S. Environmental Protection Agency, Office of General Counsel, Email from Attorney to Staff (Mar. 3, 2025) (“In a meeting late last week with OMS/OGD we learned that the Agency management decision to direct termination of the EJ grants was made with the knowledge that some of the grants do not contain the T&C about termination for Agency priorities. Based on that conversation with OMS and OGD, it is clear that no decision to retract the terminations is forthcoming. It will play out via the disputes process, or litigation, for those recipients that choose to pursue those avenues.”).

² U.S. Environmental Protection Agency, *EPA Administrator Lee Zeldin Cancels 400+ Grants in 4th Round of Cuts with DOGE, Saving Americans More than \$1.7B* (Mar. 10, 2025), <https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-cancels-400-grants-4th-round-cuts-doge-saving-americans>.

168 of its employees on administrative leave, though a federal judge forced you to rehire dozens of them after finding that the firings had no legal basis.³ Your continued actions under the guise of compliance with EO 14151 raise several concerns.

First, continuing to implement EO 14151 violates federal appropriations law. According to an internal EPA list of the roughly 400 grants targeted for elimination obtained exclusively by the Committee, the vast majority of the targeted grant awards were made using funds appropriated by Congress with a *statutory mandate* that they be distributed to disadvantaged communities. Namely, the 2022 Inflation Reduction Act directed EPA to distribute \$3 billion to improve environmental protection in communities facing economic hardship.⁴ Congress specifically articulated in the statute the activities for which the funds can be awarded, including climate resiliency and adaptation, air pollution and toxin reduction, and mitigation of climate and health risk from heat and wildfires.⁵ Any attempt to withhold these funds violates the Impoundment Control Act and Congress’s constitutional Article I spending authority—something you promised explicitly at your confirmation hearing not to do.⁶

Second, continuing to implement EO 14151 to freeze or terminate grants violates recent federal court injunctions. Federal district courts have enjoined the administration from “pausing, freezing, blocking, canceling, suspending, terminating, or otherwise impeding the disbursement

³ See Sen. Lisa Blunt Rochester, *Blunt Rochester, Colleagues Urge Trump Administration to Reopen EPA Environmental Justice Office That Helped Most Disadvantaged Communities Solve Environmental and Public Health Challenges* (Mar. 3, 2025), <https://www.bluntrochester.senate.gov/press-releases/blunt-rochester-colleagues-urge-trump-administration-to-reopen-epa-environmental-justice-office-that-helped-most-disadvantaged-communities-solve-environmental-and-public-health-challenges/>; Lisa Friedman, “EPA Plans to Close All Environmental Justice Offices,” *NY Times* (Mar. 11, 2024), <https://www.nytimes.com/2025/03/11/climate/epa-closure-environmental-justice-offices.html>.

⁴ Congress appropriated \$3 billion in Section 60201 of the Inflation Reduction Act of 2022, incorporated as Section 138 of the Clean Air Act, 42 U.S.C. 7438 (“The Administrator **shall** use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.” (emphasis added)). EPA allocated these funds among several EJ grant programs, including the Collaborative Problem Solving (CPS), Community Change Grants, and Government-to-Government (G2G) programs. According to documents obtained exclusively by EPW Democratic Staff, CPS, Community Change Grants, and G2G grants made using these earmarked IRA funds have been targeted for mass termination.

⁵ *Id.* § 138(b)(2) (“An eligible entity may use a grant awarded under this subsection for— (A) community-led air and other pollution monitoring, prevention, and remediation [...] (B) mitigating climate and health risks [...] (C) climate resiliency and adaptation; (D) reducing indoor toxics and indoor air pollution; or (E) facilitating engagement of disadvantaged communities [...].”).

⁶ You told Senator Alsobrooks (three times), Senator Moran, and Senator Markey that setting funding levels is up to Congress (“Ultimately, it will be up to Congress to decide on funding levels, and it will be my obligation to make sure that money will be spent to Congress’ intent [...] Ultimately it is going to be up to Congress to decide what the policy is, the laws, what the funding level is [...] Senator, I, if confirmed as Administrator of the EPA, won’t be cutting any funding. That is a decision as far as funding levels for Congress to set [...] Yes, Senator, ultimately the funding level will be set by Congress. It will be my responsibility to ensure that I do my part to fulfill Congressional intent [...] I need to make sure that I am following my obligations under the law as Congress sets out as to how funding should be appropriated [...].”). See Senate Environment & Public Works Committee, Hearing on the Nomination of the Honorable Lee M. Zeldin (Jan. 16, 2025), https://www.epw.senate.gov/public/_cache/files/c/4/c4282a20-59a6-4523-bcd3-f692ffd133c9/BA023DD60A07E4B417B6DA9813A57307AECB8171E9B518601F316BC288B4C10F.spw-01162025-nomination-of-hon-lee-zeldin-.pdf.

of appropriated federal funds.”⁷ Additionally, one federal district court had enjoined the portion of EO 14151 that directs “Diversity, Equity, and Inclusion” and “Environmental Justice” program and funding terminations due to facial First Amendment and due process violations.⁸ That injunction specifically applied to EPA, meaning that EPA was barred from implementing the termination provision of EO 14151, pending judicial review.⁹

Third, EPA’s grant terminations were made knowing that they violate EPA’s own contracts. According to information obtained exclusively by EPW Democratic Staff, termination notices sent by EPA to grantees knowingly and deceptively cited contract language *that was not actually in many of the contracts* in an effort to shift the burden to grantees to challenge your illegal terminations in the courts.¹⁰ A March 3, 2025, email from EPA’s Office of General Counsel states: “[I]n a meeting late last week with OMS/OGD we learned that the Agency management decision to direct termination of the EJ grants was made with the knowledge that some of the grants do not contain the T&C about termination for Agency priorities. Based on that conversation with OMS and OGD, it is clear that no decision to retract the terminations is forthcoming. It will play out via the disputes process, or litigation, for those recipients that choose to pursue those avenues.”

In 2024, EPA modified its General Terms and Conditions (T&C) for grantees, eliminating a clause that permitted termination “[i]f the award no longer effectuates the program goals or agency priorities.”¹¹ EPA’s current T&C allows termination only (i) when a recipient fails to comply with conditions of the award; (ii) by mutual consent; (iii) upon the recipient’s request; or (iv) pursuant to program-specific requirements. Because EPA’s termination notices to grantees cite the now-inoperative “agency priorities” clause, and because EPA has not cited any valid condition for termination, these contract terminations are unauthorized under EPA’s

⁷ Memorandum & Order, *New York v. Trump*, C.A. No. 25-cv-39-JJM-PAS (D.R.I. Mar. 6, 2025); *see also* Memorandum Opinion, *National Council of Nonprofits v. Office of Management and Budget*, C.A. No. 25-230 (LLA) (D.D.C. Feb. 25, 2025).

⁸ Memorandum Opinion, *National Association of Diversity Officers in Higher Education v. Trump*, No. 25-cv-00333-ABA (D. Md. Mar. 10, 2025), <https://www.law360.com/articles/2308634/attachments/0> (clarifying that the preliminary injunction entered in the case on February 21 applies to all federal agencies); the Fourth Circuit reversed the injunction on March 14, 2025, holding that the EOs themselves were not unconstitutional even though the actions taken by federal agencies pursuant to the EOs could be. *See* Order, *National Association of Diversity Officers in Higher Education v. Trump*, No. 25-1189 (4th Cir. Mar. 14, 2025).

⁹ *Id.*

¹⁰ U.S. Environmental Protection Agency, Office of General Counsel, Email from Attorney to Staff (Mar. 3, 2025).

¹¹ Compare U.S. Environmental Protection Agency, *General Terms and Conditions Effective October 1, 2023* (Sept. 2023),

https://www.epa.gov/system/files/documents/2023-09/fy_2023_epa_general_terms_and_conditions_effective_october_1_2023_or_later.pdf, with U.S. Environmental Protection Agency, *General Terms and Conditions Effective October 1, 2024*

(2024 version),

https://www.epa.gov/system/files/documents/2024-10/fy_2025_epa_general_terms_and_conditions_effective_october_1_2024_or_later.pdf.

own policies.¹² And the fact that EPA’s own internal documents acknowledge that EPA cited that clause *knowing it was inoperative* show EPA acting in bad faith.

EPA’s unlawful, arbitrary, and capricious terminations of EJ grant programs eliminate commonsense, nonpartisan federal programs that clean the air and water and protect Americans from natural disasters. Beyond obvious issues with conflating “DEI” and “environmental justice,” these EPA grants helped ensure that *all* people—regardless of immutable traits—enjoy a healthy environment. EPA’s Thriving Communities Technical Assistance Centers (TCTACs), for instance, serve both urban and rural areas, including farming and ranching communities, and coal, oil, and natural gas-producing regions.¹³ EPA’s EJ grants were awarded to projects aimed at eliminating childhood lead poisoning, building public parks, spurring rural community economic development, and job training.¹⁴

Finally, EPA’s decision to gut OEJ-ECR ignores the bipartisan support for this work over the last three decades. The precursor office to OEJ-ECR was established in 1992 by President George H.W. Bush and for over 20 years has provided resources to combat legacy pollution in underserved communities—including many rural areas.¹⁵ Without the specialized expertise of this office and its approximate 200 employees, the EPA will be ill-equipped to achieve your stated outcome that “every American should have access to clean air, land, and water.”¹⁶

¹² 2 CFR § 200.340, <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR86b76dde0e1e9dc/section-200.340>. Furthermore, because EPA’s press releases do not provide an accounting of actually-terminated grants, it is impossible to confirm the total value of terminated federal funds. EPA alleges that “more than \$2 billion in taxpayer money” has been “saved.” Given recent reporting about DOGE’s inaccurate accounting of cost savings, however, this number could be inflated. See Dan Ruetenik, “DOGE team’s ‘wall of receipts’ shows errors in tallying billions in savings,” *CBS News* (Feb. 19, 2025), <https://www.cbsnews.com/news/doge-wall-of-receipts-shows-errors-tallying-billions-in-savings/>; Jessie Blaeser, “DOGE shared its receipts – and some of them don’t match,” *Politico* (Feb. 22, 2025), <https://www.politico.com/news/2025/02/22/doge-data-errors-inconsistencies-00002576>.

¹³ TCTACs help organizations apply for federal grant funds. Three TCTACs that serve states with strong agricultural or ranching economics—in Region 5 (MN, IL, IN, MI, OH, WI), Region 7 (IA, MO, NE, KS), and Region 8 (MT, CO, ND, SD, and WY)—have been terminated. See U.S. Environmental Protection Agency, *The Thriving Communities Technical Assistance Programs* (Mar. 7, 2025).

¹⁴ U.S. Environmental Protection Agency, *2023 Environmental Justice Collaborative Problem Solving (EJCPS) Program Project Summaries* (Oct. 2023), https://www.epa.gov/system/files/documents/2023-10/2023-the-environmental-justice-collaborative-problem-solving-ejcps-program-project-summaries_0.pdf; U.S. Environmental Protection Agency, *2023 Environmental Justice Government-to-Government (EJG2G) Program Project Summaries* (Apr. 2023), <https://www.epa.gov/system/files/documents/2024-04/2023-ej-government-to-government-ejg2g-project-summaries.pdf>.

¹⁵ Michael Gochfeld and Joanna Burger, *Disproportionate Exposures in Environmental Justice and Other Populations: The Importance of Outliers* (Am. J. Public Health 2011).

¹⁶ U.S. Environmental Protection Agency, *EPA Administrator Lee Zeldin Announces EPA’s “Powering the Great American Comeback” Initiative* (Feb. 4, 2025), <https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-announces-epas-powering-great-american-comeback#:~:text=Home-,EPA%20Administrator%20Lee%20Zeldin%20Announces%20EPA's,the%20Great%20American%20Comeback%E2%80%9D%20Initiative&text=%E2%80%9CEvery%20American%20should%20have%20access,human%20health%20and%20the%20environment.>

In keeping with the promises you made to this Committee during your confirmation hearing,¹⁷ please respond to the following requests for information and documents by no later than March 31, 2025:

1. Provide all documents, email communications and memoranda from employees of the Office of the Administrator, Office of Grants and Debarment, Office of Mission Support, and Office of General Counsel concerning the decision to:
 - a. Terminate grants previously awarded to carry out the Agency's mission, including those on the list obtained by Committee Democrats, and including but not limited to Community Change Grants, Government-to-Government (G2G) Funding, the Thriving Community Technical Assistance Centers, the Thriving Communities Grantmakers Program, Environmental Justice Cooperative Problem Solving Grants; or
 - b. Pause or withhold legally obligated funding, including freezing ASAP accounts, for programs including but not limited to those on the list obtained by Committee Democrats, such as Community Change Grants, Government-to-Government (G2G) Funding, the Thriving Community Technical Assistance Centers, the Thriving Communities Grantmakers Program, and Environmental Justice Cooperative Problem Solving Grants.
2. Provide an accurate number of the total employees terminated due to the closure of the OEJ-ECR and provide a list of the firings by each EPA regional office and the office for the District of Columbia.
 - a. Provide the status of every program officer working on one of the grants on the list obtained by Committee Democrats, including but not limited to Community Change Grants, Government-to-Government (G2G) Funding, the Thriving Community Technical Assistance Centers, the Thriving Communities Grantmakers Program, Environmental Justice Cooperative Problem Solving Grants; and
 - b. If a project officer has been placed on leave or fired, please clarify whether EPA has identified a replacement and notified the grantee of their project officer replacement.
3. Please explain in detail how the agency will ensure fair access to grant programs and support economically and socially disadvantaged communities—including communities of color, rural and farm communities, and Tribal communities—in competing for funding and addressing critical issues in their community.
4. What is your strategy to combat pollution specifically in marginalized communities, and communities below the national poverty line across the country?

¹⁷ See Senate Committee on Environment and Public Works, Hearing on the Nomination of the Honorable Lee M. Zeldin (Jan. 16, 2025), https://www.epw.senate.gov/public/_cache/files/c/4/c4282a20-59a6-4523-bcd3-f692ffd133c9/BA023DD60A07E4B417B6DA9813A57307AECB8171E9B518601F316BC288B4C10F.spw-01162025-nomination-of-hon-lee-zeldin-.pdf.

5. What plans do you have for continuing to engage with community organizations and local governments on environmental justice issues in the absence of the OEJ-ECR?
6. How will you rebuild trust with local governments, communities, Tribes, and stakeholders who are now concerned about the lack of budget assurance for millions of dollars in projects funded through Congressionally-allocated Bipartisan Infrastructure Law and Inflation Reduction Act resources?
7. EPA's continued cancellation of EJ grants violate a federal court injunction that currently prohibits termination, certification or prosecution based on DEI policies,¹⁸ so please explain EPA's legal basis for continuing to implement EO 14151 despite that injunction. If EPA is not implementing EO 14151, explain the policy or law that supports terminating grants for environmental justice grantees.
8. Since EPA is prohibited from terminating grants or freezing grants based on DEI grounds, does EPA commit to rescinding those termination letters and restoring any federal funding that has been frozen for DEI reasons?
9. Please provide a complete accounting of all grant terminations that are included in the \$2 billion figure cited in EPA's March 10 press release. Please list all terminated awards and include, for each award:
 - a. The award's corresponding grant program;
 - b. The source of appropriations which funded the grant program, including the statutory language instructing EPA on how the appropriations may be allocated;
 - c. The value of award funds not drawn down; and
 - d. Name the current project officer assigned to each grant (the name cannot be of someone who has been terminated or placed on administrative leave).
10. Please explain what EPA plans to do with the alleged \$2 billion in federal funds "saved" by EPA and DOGE grant terminations in a way that conforms with the Congressionally approved programs under the Inflation Reduction Act for which the federal funding has been approved and obligated.
11. Please describe how EPA plans to disburse any remaining funds appropriated under Section 60201 of the Inflation Reduction Act before September 30, 2026, as required by law.¹⁹
12. Please provide a copy of every grant termination notice that EPA has sent to any grantee since January 20, 2025.

¹⁸ Memorandum Opinion, *supra* note 7.

¹⁹ U.S. Environmental Protection Agency, *Inflation Reduction Act Environmental and Climate Justice Program* (Dec. 17, 2024), <https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-environmental-and-climate-justice-program>.

- a. For each notice that you provide, please provide a copy of that grantee's grant contract.
- b. For each notice that you provide, please specify how the cited reason for termination meets the 2024 EPA T&C termination criteria, or criteria specified in the grant contract.

Sincerely,



Sheldon Whitehouse
United States Senator
Ranking Member
Committee on Environment
and Public Works



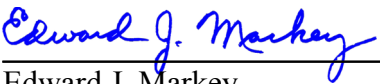
Lisa Blunt Rochester
United States Senator



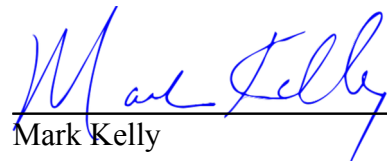
Bernard Sanders
United States Senator



Jeffrey A. Merkley
United States Senator



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Mark Kelly
United States Senator



Alex Padilla
United States Senator



Adam B. Schiff
United States Senator



Angela Alsobrooks
United States Senator