

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

APPALACHIAN VOICES, et al.,

*Plaintiffs,
on behalf of themselves and
all others similarly situated,*

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Defendants.

Civil Action No. 1:25-cv-01982-PLF

**BRIEF OF AMICI NEW YORK,
MASSACHUSETTS, CALIFORNIA, ARIZONA,
COLORADO, CONNECTICUT, DISTRICT OF
COLUMBIA, HAWAI'I, ILLINOIS, MAINE,
MARYLAND, MICHIGAN, MINNESOTA, NEW
JERSEY, NEW MEXICO, NORTH CAROLINA,
OREGON, RHODE ISLAND, VERMONT, AND
WASHINGTON IN SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

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INTRODUCTION

Disadvantaged communities across the United States, which already suffer from disproportionate pollution burdens, are hit hardest by climate change's increasingly extreme weather events. Through the Environmental and Climate Justice Block Grant program, Congress provided crucial funds for these communities to address environmental justice issues, adapt to climate change, and improve public health. Defendants' illegal termination of grants funded through this program deprives the country's most vulnerable communities of funding necessary to achieve a healthy environment.

Amici New York, Massachusetts, California, Arizona, Colorado, Connecticut, District of Columbia, Hawai'i, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, Vermont, and Washington (the States) submit this amicus brief pursuant to Local Civil Rule 7(o)(1) in support of Plaintiffs' motion for a preliminary injunction. The States work closely with many grantees of the Environmental and Climate Justice Block Grant program and are witnessing these community-based organizations, educational institutions, local governments, Tribal governments, and their communities suffer due to Defendants' actions. Without the promised grant money, the grantees have had to lay off or furlough staff, divert scarce resources, cancel contracts, and shut down critical programming. The withdrawal of funding may threaten the very existence of the grantees, or significantly erode the trust of the communities that rely on them. Moreover, Defendants' wholesale termination of the Environmental and Climate Justice Block Grant program represents the loss of hundreds of projects designed to make meaningful improvements to health, safety, and access to decisionmaking across the country, thus severely harming both Plaintiffs and the States and their residents.

The States file this brief to address two points relevant to the pending preliminary injunction motion. First, Defendants’ cancellation of the Environmental and Climate Justice Block Grant program has severely harmed—and continues to harm— not only Plaintiffs, but also the States and many of their most vulnerable residents, and thus harms the public interest. Second, Plaintiffs are likely to succeed on the merits of their Constitutional and Administrative Procedure Act claims for the reasons elaborated in their motion papers; indeed, the States have prevailed on many similar claims challenging the Executive’s termination of Congressionally mandated grant programs similar to the Environmental and Climate Justice Block Grant program in several recent cases. For these reasons and those laid out in Plaintiffs’ motion, the Court should grant Plaintiffs’ motion for a preliminary injunction.

ARGUMENT

I. EPA’s Termination of the Environmental and Climate Justice Block Grant Program Harms the States and Their Most Vulnerable Residents.

By terminating grants appropriated to address urgent and longstanding environmental and public health disparities experienced by disadvantaged communities, Defendants have caused vast harm to the States and their residents. Residents in these communities are frequently exposed to multiple pollution sources, in addition to other compounding stressors. These same communities have often experienced persistent lack of access to safe and affordable housing, transportation, energy, water, food, and healthcare infrastructure. Residents in communities with these environmental justice concerns suffer from serious long-term health consequences. Extreme temperatures, storms, flooding, drought, and wildfires brought on by a warming planet now exacerbate these threats, aggravated further by deficient resources for disaster preparedness and recovery. Finally, these communities have long faced structural barriers to participating in the public processes that impact these urgent environmental and public health concerns.

Recognizing the serious environmental challenges faced by marginalized communities, when Congress passed the Inflation Reduction Act (IRA) in 2022, it included an investment of \$3 billion toward critically important environmental justice programs across the country via the Environmental and Climate Justice Block Grant program. *See* Pub. L. No. 117-169, § 60201, 136 Stat. 1818, 2078-79 (codified into Section 138 of the Clean Air Act, 42 U.S.C. § 7438). Through the enactment of this program, Congress mandated that the U.S. Environmental Protection Agency (EPA) fund federal grants to address the significant environmental issues facing disadvantaged communities. *See generally* 42 U.S.C. § 7438(b)(1) (“The [EPA] Administrator *shall* . . . award grants . . . to eligible entities . . .”) (emphasis added). Defendants’ unlawful termination of the Environmental and Climate Justice Block Grant program substantially harms the States by depriving our communities—including community-based organizations, local governments, universities, and Native American Tribes within our borders—of critical funding to address environmental injustice and climate impacts. A preliminary injunction to halt these harms would be in the public interest.

A. Environmental Injustices Persist, and Climate Change Worsens Residents’ Ability to Respond.

Environmental and climate justice efforts aim to address ongoing environmental and public health disparities in disadvantaged communities and ensure access to the public processes and resources that shape health, safety, and opportunity. As explained in this section, certain communities most commonly and acutely experience the impacts of environmental injustice,

including communities of color;¹ Tribal nations and Indigenous peoples;² low-income,³ rural and unincorporated⁴ communities; and communities in which a high proportion of residents speak a language other than English.⁵ Moreover, the conditions disadvantaging these communities have contributed to their distinct vulnerability to extreme weather events associated with climate change.

1. Historical and Ongoing Discrimination Creates the Need to Support Disadvantaged Communities in Addressing Environmental and Health Disparities.

Environmental impacts have long been unequally distributed, due in part to historical discriminatory policies including racial segregation, redlining, and systemic disinvestment in disadvantaged neighborhoods. In 1971, the federal government recognized that low-income neighborhoods in metropolitan areas experience unusually high levels of air pollution.⁶ In 1983, the U.S. Government Accountability Office found that three out of four hazardous waste facilities in the Southeast were in predominantly Black neighborhoods.⁷ For Tribal nations and Indigenous

¹ Christopher W. Tessum, et al., *PM2.5 Polluters Disproportionately and Systemically Affect People of Color in the United States*, 27 SCI. ADVANCES 18 (Apr. 28, 2021). All web addresses (i.e., URLs) are provided in the table of authorities.

² See U.N. Special Rapporteur, *End of Mission Statement by the United Nations Special Rapporteur on the rights of indigenous peoples*, Victoria Tauli-Corpuz of her visit to the United States of America (Mar. 3, 2017).

³ Ihab Mikati et al., *Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status*, AM. PUB. HEALTH ASSOC. (Mar. 7, 2018); Qian Di et al., *Air Pollution and Mortality in the Medicare Population*, NEW ENG. J. MED. (June 29, 2017).

⁴ Monica Sanders, *Understanding Environmental Justice In Rural Communities*, Forbes (Aug. 26, 2025).

⁵ Kelvin C. Fong, *The Intersection of Immigrant and Environmental Health: A Scoping Review of Observational Population Exposure and Epidemiologic Studies*, 130 ENVIRON. HEALTH PERSPECT. 9 (Sept. 2, 2022); Yoshira Ornelas Van Horne, *Toward Language Justice in Environmental Health Sciences in the United States: A Case for Spanish as a Language of Science*, 131 ENVIRON. HEALTH PERSPECT. 8 (Aug. 23, 2023).

⁶ CEQ, *The Second Annual Report of the Council on Environmental Quality* 191-96 (Aug. 1971).

⁷ GAO, *Siting of Hazardous Waste Landfills and Their Correlation With Racial and Economic Status of Surrounding Communities* (1983).

peoples, legacies of land dispossession and laws incentivizing siting of polluting facilities on or near Tribal lands contribute to heightened exposure to environmental contaminants and disproportionate risk of adverse health impacts.⁸ Finally, rural communities tend to be under-resourced and experience adverse health outcomes, particularly those that are unincorporated as well as those with “high proportions of socially marginalized residents (e.g., low-income, Black, Indigenous and people of color, and immigrant populations).”⁹

To this day, landfills and incinerators,¹⁰ industrial facilities,¹¹ concentrated agricultural operations,¹² and other pollution sources continue to be concentrated in rural and urban communities of color, low-income communities, and Indigenous communities,¹³ all of which also experience greater exposure to pollutants from indoor toxics,¹⁴ transportation,¹⁵ and

⁸ Elizabeth Hoover et al., *Indigenous Peoples of North America: Environmental Exposures and Reproductive Justice*, 120(12) ENV'T HEALTH PERSPECTIVES 1645, 1647 (Dec. 2012).

⁹ Cristina Gomez-Vidal and Anu Manchikanti Gomez, *Invisible and unequal: Unincorporated community status as a structural determinant of health*, 285 SOC. SCI. & MED. 2 (2021).

¹⁰ Ana Isabel Baptista, PhD, et al., *U.S. Municipal Solid Waste Incinerators: An Industry in Decline*, Tishman Environmental and Design Center (May 2019); *Toxic Wastes and Race at Twenty: Why Race Still Matters After All of These Years*, 38 ENV'T L. 371 (2008).

¹¹ Jill Johnson & Lara Cushing, *Chemical Exposures, Health, and Environmental Justice in Communities Living on the Fenceline of Industry*, 7 CURR. ENVIRON. HEALTH REP. 48 (2020), <https://pmc.ncbi.nlm.nih.gov/articles/PMC7035204/>.

¹² Kelley J. Donham, et al., *Community Health and Socioeconomic Issues Surrounding Concentrated Animal Feeding Operations*, 115 ENVIRON. HEALTH PERSPECT. 2, 317-20 (2007).

¹³ *Id.*

¹⁴ Chima Anyanwu and Kirsten M.M. Beyer, *Intersections among housing, environmental conditions, and health equity: A conceptual model for environmental justice policy*, 9 SOC. SCI. & HUMAN. OPEN 1, 2-3 (2024).

¹⁵ Linda Sprague Martinez et al., *Communities Catalyzing Change With Data To Mitigate An Invisible Menace, Traffic-Related Air Pollution*, 24 BMC PUB. HEALTH 24, 411 (2024); Guillermo A. Ortiz, *Breathing in Harm: The Toll of Freight Pollution in California*, NRDC Blog (Aug. 15, 2024).

occupational sources.¹⁶ The cumulative impact of these multiple exposures has significant and long-term health consequences for these communities.¹⁷

At the same time, communities of color, low-income communities, and Indigenous peoples and Tribal nations experience disparities in access to benefits that support environmental and public health. These disparities exist for infrastructure, such as clean drinking water and sanitation,¹⁸ affordable and reliable energy,¹⁹ and transportation.²⁰ And persistent disinvestment impacts access to benefits such as trees, parks, and open green spaces;²¹ healthy and affordable

¹⁶ EPA, *Environmental Equity: Reducing Risk for All Communities*, in WORKGROUP REPORT TO THE EPA ADMINISTRATOR VOL. 2 at 1, 3 (1992); David Michaels, *Environmental Justice Is Essential in the Workplace and at Home*, THE NATION (Oct. 22, 2021).

¹⁷ Rachel Morello-Frosch, et al., *Understanding The Cumulative Impacts of Inequalities in Environmental Health*, Health Affairs at 881 (May 2011); *see also* Eun-hye Yoo & John E. Roberts, Differential Effects of Air Pollution Exposure on Mental Health: Historical Redlining in New York State, 948 SCI. TOTAL ENV'T 174516 (2024) (mental health); Whitney E. Zahnd et al., *The Intersection of Rural Residence and Minority Race/Ethnicity in Cancer Disparities in the United States*, 18(4) INT. J. ENV'T RES. & PUB. HEALTH 1384 (2021) (cancer); Jyotsna S. Jagai et al., *The Association Between Environmental Quality and Diabetes in the U.S.*, *Journal of Diabetes Investigation* (Oct. 2019) (diabetes); Claudia Persico & Kathryn Johnson, *The effects of increased pollution on COVID-19 cases and deaths*, J. ENVTL. ECON. MGMT. (Feb. 2021) (COVID-19).

¹⁸ Leila M. Harris et al., Revisiting the Human Right to Water from an Environmental Justice Lens, 3 POL. GRPS., & IDENTITIES 660 (2015); *Dig Deep and U.S. Water Alliance, Closing the Water Access Gap in the United States: A National Action Plan* 20-25 (2019).

¹⁹ Diana Hernández, *Understanding 'Energy Insecurity' and Why it Matters to Health*, 167 SOC. SCI. & MED. 1 (2016); Ariel Dreobl, et al., *How High are Household Energy Burdens?* iii–iv, American Council for an Energy Efficient Economy (2020).

²⁰ *See* Robert Bullard, *Addressing Urban Transportation Equity in the United States*, 31 FORDHAM U. L. J. 1183 (2004); Stephanie Pollack et al., *The Toll of Transportation*, NE. UNIV. DUKAKIS CTR. FOR URB. & REG'L POL'Y (Nov. 2013); Brian S. McKenzie, *Neighborhood Access to Transit by Race, Ethnicity, and Poverty in Portland, OR*, 12 CITY & CMTY. 134–155 (2013).

²¹ David J. Novak et al., *The Disparity in Tree Cover and Ecosystem Service Values Among Redlining Classes in the United States*, 221 LANDSCAPE & URB. PLAN. 104370, 104375 (2022); Anthony Nardone et al., *Redlines and Greenspace: The Relationship Between Historic Redlining and 2010 Greenspace Across the United States*, 129 ENV'T HEALTH PERSP. 017006-1, 017006-1 (2022); Eun Kyung Lee et al., *Health Outcomes in Redlined Versus Non-Redline Neighborhoods: A Systemic Review and Meta-Analysis*, 294 SOC. SCI. & MED. 114696, 11474 (Feb. 2022); Morello-Frosch et al., *supra* note 17, at 881.

food;²² and health care.²³

Disadvantaged communities have historically lacked access to the political processes that shape both siting of environmentally burdensome facilities and allocation of beneficial resources. For example, hazardous facilities are often placed in low-income communities and communities of color because doing so is “often less costly and more politically preferable given that underserved communities have less political power[.]”²⁴ while unincorporated communities experience diminished political representation altogether. Moreover, local community groups face significant challenges in accessing and utilizing federal grant funding that could improve their environmental conditions.²⁵

2. Extreme Weather Puts Disadvantaged Communities at Further Risk, Requiring Resources to Support Resilience and Recovery.

Climate change compounds the problems faced by disadvantaged communities. Hurricanes, droughts, heat waves, flooding, sea-level rise, and wildfires are increasing in frequency and severity, causing deaths, displacement, and economic upheaval.²⁶ The States and

²² See, e.g., Kimberly Morland et al., *Neighborhood Characteristics Associated with the Location of Food Stores and Food Service Places*, 22 PREVENTATIVE MED. 23 (Jan. 2002); Lisa Powell et al., *Food Store Availability and Neighborhood Characteristics in the United States*, 44 PREVENTATIVE MED. 189 (2007); Thomas A. LaVeist, Darrel J. Gaskin & Antonio J. Trujillo, *Segregated Spaces, Risky Places: The Effects of Racial Segregation on Health Inequalities*, JOINT CTR. FOR POL. & ECON. STUD. (2011); see also Alison Hope Alkon & Julian Agyeman, *CULTIVATING FOOD JUST.: RACE, CLASS, AND SUSTAINABILITY* 89, 93 (2011).

²³ Sarah Dewees & Benjamin Marks, *Twice Invisible: Understanding Rural Native America*, FIRST NATIONS DEV. INST. 6 (Apr. 2017) (indicating that 54% of Native American and Alaska Native people live in rural or small-town areas on or near reservations, areas which lack reliable access to healthcare and experience other economic and social disparities).

²⁴ Julia Mizutani, *In the Backyard of Segregated Neighborhoods: An Environmental Justice Case Study of Louisiana*, 31 GEO. ENVTL. L. REV. 363, 366 (2019).

²⁵ GAO, *Communities Rely on Federal Grants, But May Have Challenges Accessing Them* (June 7, 2023).

²⁶ Intergovernmental Panel on Climate Change, *Climate Change Synthesis Report, Summary for Policymakers*, at B.6 (2023).

their residents are already experiencing the devastating effects of climate change, and disadvantaged communities suffer these effects first and worst: from sweltering temperatures in our cities (made worse by an absence of tree cover), to severe droughts, to damaging wildfires and lethal flooding. Heat further degrades air quality in historically redlined neighborhoods, leading to heat-related deaths, asthma diagnoses, and lost work.²⁷ Flooding compounds threats from unremediated and uncontained toxic sites and disables critical infrastructure.²⁸ Moreover, communities with fewer resources and less infrastructure recover far more slowly from disasters and can less easily adapt to a changing climate.²⁹

Over the past five years alone, the States have suffered more than seventy-five extreme weather events that each caused more than one billion dollars in damage.³⁰ In 2021, Hurricane Ida caused massive flooding in New York City and killed 18 people (and dozens more across the region), disproportionately affecting low- and moderate-income immigrant communities.³¹ In July 2023, historic flooding in New England destroyed dozens of homes, significantly damaged infrastructure, and led to massive disruptions in agriculture from extensive crop loss at the peak of harvest season. In 2023, a wildfire stoked by an unprecedented hurricane in Maui killed more than 100 people and destroyed most of Lahaina Town, leaving many survivors without stable

²⁷ EPA, *Climate Change and Social Vulnerability in the United States*, at 8 (Sept. 2021)

²⁸ David Hasemyer and Lisa Olsen, *A growing toxic threat — made worse by climate change*, Inside Climate News (Sept. 24, 2020).

²⁹ David Reidmiller, et al., *Fourth National Climate Assessment, Volume II*, U.S. Global Change Research Program, at 25 (2018).

³⁰ National Centers for Environmental Information, NOAA, Billion-Dollar Weather and Climate Disasters (state summaries for each of the States, counting events from 2020 through 2024).

³¹ New York State Climate Impacts Assessment, *Hurricane Ida and Extreme Rainfall in New York City: Uneven Vulnerabilities*.

housing, employment, or access to food.³² In 2024, historic rainfall, tornadoes, flooding, and landslides made Hurricane Helene “one of the deadliest US storms of the 21st century, with more than 100 confirmed deaths in North Carolina alone.”³³ The increasing frequency, size, and intensity of such events have been conclusively tied to a warming planet as well as to widening environmental, health, and economic disparities for disadvantaged communities in our States and nationwide.³⁴ In short, the States and our most vulnerable residents are experiencing widespread climate and environmental injustices.

B. EPA’s Environmental and Climate Justice Block Grant Program Fills an Important Funding Gap by Directing Funding Toward Community-Led Environmental Initiatives.

The States and their residents urgently need federal funding to address these environmental inequalities and help their most vulnerable residents adapt to a changing climate. Congress created and funded the Environmental and Climate Justice Block Grant program specifically to help meet these needs. A preliminary injunction restoring funding pursuant to Congress’s mandate would serve the public interest and would help ameliorate the ongoing harms to the States’ most vulnerable residents from defendants’ actions.

In passing the IRA, Congress instructed EPA to focus on five specific objectives: (1) community-led air pollution monitoring and prevention, including investments in low- and zero-emission technologies, (2) extreme heat adaptation and related mitigation measures to address urban heat islands and wildfire events, (3) climate resiliency and adaptation, (4) reducing indoor air toxics and indoor air pollution, and (5) facilitating the participation of disadvantaged

³² Steve Kerber, et al., *Lahaina Fire Forward-Looking Report* (Jan. 14, 2025); Nina Lakhani, *The Guardian*, *Mental health and poverty remain a struggle for Maui wildfire survivors, new study says* (June 18, 2025).

³³ Office of State Budget and Mgmt., *Hurricane Helene Recovery: Revised Damage and Needs Assessment*, at 5 (Dec. 13, 2024).

³⁴ David Herring, *What is an “Extreme Event”?*, [Climate.gov](https://climate.gov).

communities in public processes. *See* 42 U.S.C. § 7438(b)(2). By statutory mandate, projects funded through this program must benefit communities that are disproportionately impacted by environmental pollution. *Id.* § 7438(b)(1). The grants awarded to grantees in our States, including all profiled below, effectuated Congress’s objectives under 42 U.S.C. § 7438.

EPA funded several sub-programs under the umbrella of the IRA’s Environmental and Climate Justice Block Grant program: the Community Change Grants Program, the Thriving Communities Grantmakers Program and the associated Technical Assistance Centers Program, the Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program, and the Environmental Justice Government-to-Government Program, as discussed below. To further these programs and Congress’s mandate, EPA entered into grant agreements with at least 201 recipients within the States. Cumulatively, EPA had obligated an estimated \$1.384 billion to grantees in the States pursuant to these programs before their untimely and unlawful termination.

Community Change Grants Program

In recognition that Congress’s mandate would require a meaningful influx of funding directly into disadvantaged communities, EPA allocated \$2 billion into the Community Change Grant Program to bring much-needed resiliency projects to disadvantaged communities.

California was the single largest State recipient of Community Change Grants, with fifteen grantees within its borders awarded \$216 million for transformative projects in environmental justice communities. Each of these grants was individually meaningful to the region. For example, the unincorporated community of North Richmond—whose residents are surrounded by multiple highways, a port, two railyards, and several refinery operations—was anticipating a \$19 million Community Change Grant award, reported to be the largest single

investment the community had ever seen.³⁵ The EPA grant award provided funds to residents to build a resilience center for community members to gather during extreme weather, plant shade trees in a public schoolyard, and improve local zero-emission transportation access options.³⁶

In New York, EPA awarded a \$20 million Community Change grant to a group of non-profits supporting disadvantaged communities in Albany, NY to build climate resiliency hubs to provide shelter and other services during emergencies. The grant project also would have remediated indoor pollution, installed efficient appliances, and provided clean energy workforce training. This program would have been pivotal in Albany, which faces compounding challenges of extreme weather, old housing stock, poverty, and high rates of asthma.

EPA terminated the Community Change Grants Program, including the North Richmond and Albany grants, without procedure or prior warning earlier this year.³⁷

Thriving Communities Grantmaking Program

In addition to multi-million-dollar projects, EPA also sought to effectuate Congress's goal of empowering local communities through targeted support for smaller scale, but no less impactful, projects and organizations, through the Thriving Communities Grantmaking Program. Under this program, eleven non-profits and universities around the country serve as pass-through entities, distributing competitively awarded micro-grants to community-based organizations for hyperlocal projects including small hazardous waste sites, lead and asbestos abatement, and air quality monitoring.³⁸

³⁵ Riley Ramirez, Richmond Confidential, *The Stakes: After months of mixed messages, Trump cuts EPA grants to polluted California communities, including North Richmond* (May 5, 2025).

³⁶ *Id.*

³⁷ *Id.*

³⁸ EPA, *2023 Environmental Justice Thriving Communities Grantmaking Program Selectees*; EPA, *Thriving Communities Grantmakers Subgrants*.

EPA also recognized the historical barriers in capacity that smaller environmental justice organizations face in navigating federal grant application and reporting processes. As such, EPA selected eighteen regional organizations and universities to serve as Thriving Communities Technical Assistance Centers (TCTACs), to enable these subgrantees to navigate the grant application process and more effectively manage their federally funded projects. EPA's model is both innovative and simple: by offering both funding *and* the technical support that enable grassroots organizations to build capacity, EPA aimed to ensure that even the smallest grassroots groups would not be left out of Congress's historic investments in environmental justice.

These TCTACs are critically important to the States and our residents. In New York, for example, local non-profit WE ACT had operated its TCTAC since 2023. As one of the first TCTACs to begin operations within the country, it built partnerships with dozens of organizations across the regions, trained thirty-five people to conduct outreach and engagement, and hired four employees to be paid by TCTAC grant funds. Following years of preparation, WE ACT was ready to help hundreds of organizations across the Northeast apply for environmental and climate justice funding opportunities.

EPA summarily terminated the Thriving Communities Grantmaking Program and all TCTAC hosts earlier this year.

Collaborative Problem-Solving Cooperative Agreement Program

To further carry out Congress's focus on communities, EPA directed funds to the Collaborative Problem-Solving Cooperative Agreement Program.³⁹ This EPA program has a twenty-year history as a proven, community-based method for solving environmental and public

³⁹ Office of Environmental Justice, *Environmental Justice Collaborative Problem-Solving Grant Program Request for Applications*, 68 Fed. Reg. 33934 (June 6, 2023).

health issues.⁴⁰

In Massachusetts, the Mystic River Watershed Association (MyRWA) works with residents in the Mystic River Watershed north of Boston, many of whom are people of color, lower income, or have limited English language proficiency. Nashua River Watershed Association (NRWA) protects waterways and land in Northern Massachusetts through preservation and climate resilience projects. Both organizations were awarded \$500,000 Collaborative Problem-Solving grants in 2023. MyRWA's grant was intended to engage the residents of Chelsea, Everett, and Malden to address the disproportionate impact of heat and poor air quality on their communities. NRWA's project was expected to minimize flood risks through green stormwater infrastructure, benefitting marginalized communities in Fitchburg that have experienced disproportionate harms from increasingly intense flooding.

EPA summarily terminated the Collaborative Problem-Solving Cooperative Agreement Program earlier this year.

Environmental Justice Government-to-Government Program

Congress also intended that Native American Tribes and local governments (including cities, counties, and regional environmental agencies) be eligible for federal funds to work collaboratively with community-based organizations on local environmental justice projects in disadvantaged communities. *See* 42 U.S.C. § 7438(b)(3)(A). EPA effectuated this statutory requirement through the Government-to-Government program.⁴¹

As Congress recognized, some of the most impactful solutions to localized climate and

⁴⁰ EPA, *Case Studies From the Environmental Justice Collaborative Problem-Solving Program* (Aug. 2008).

⁴¹ Grants awarded to state entities through the Government-to-Government Program were not recipients of funding through 42 U.S.C. § 7438 and therefore fall outside the scope of this class action lawsuit.

environmental challenges come from collaboration between the communities most affected and their local or Tribal governments. But disadvantaged communities often have difficulty on their own obtaining governmental attention and resources. Congress's requirement that Tribal and local governments collaborate with community-based organizations through the Government-to-Government program was thus carefully crafted to foster these essential partnerships.

In Massachusetts, the City of Boston received a \$1 million Government-to-Government grant to improve indoor air quality and support the clean energy transition for residents overburdened by environmental and health harms. The grant would have funded the replacement of gas stoves with electric and induction stoves to improve indoor air quality, create green job opportunities, and tackle public health issues facing the community.⁴² The project was expected to benefit residents in Dorchester, a Boston neighborhood with large Black and Latinx populations whose residents see higher rates of hospitalization for asthma and higher rates of mortality from cancer, heart disease, and diabetes.⁴³

Additionally, Los Angeles County received a Government-to-Government grant for its Climate Ready Communities Project, a collaborative initiative involving the County, community-based organizations, and a Tribe working together on a climate adaptation plan for communities in unincorporated areas of Los Angeles County.⁴⁴ The grant funded the provision of resources to disadvantaged communities to minimize damage from climate disasters, including extreme heat, wildfire, extreme precipitation, and drought. These funds were crucial, as Los Angeles County is

⁴² EPA, *Biden-Harris Administration announces nearly \$4.2 million for environmental justice projects in communities across Massachusetts as part of Investing in America agenda* (Oct. 25, 2023).

⁴³ See Cassidy McNeeley, *Health disparities across city focus of Codman Sq. Forum*, Dorchester Reporter (Dec. 27, 2023).

⁴⁴ USASpending.gov, Cooperative Agreement FAIN 98T90501.

on the frontline of the climate crisis. According to the Federal Emergency Management Agency, Los Angeles County has the highest risk of natural disasters in the United States.⁴⁵ This ranking is based on the County's very high index of social vulnerability and very low index of community resilience relative to the rest of the United States.⁴⁶

C. The Termination of the Environmental and Climate Justice Block Grant Program Is Causing Consequential and Widespread Harm Within the States.

The States face unique and urgent environmental injustices within their borders that EPA funding was designed to address. Hundreds of non-profit organizations and dozens of cities and counties within each State were slated to receive funding. Multiple Native American Tribes within the States' geographic borders were also grant recipients. EPA's unlawful termination of these programs—in contravention of Congress's clear mandate to fund environmental justice projects nationwide—reverberates through our States. As a result of these terminations, many organizations within our States have had to lay off staff, issue stop work orders, extend or terminate escrow on pending property transactions, and otherwise put a stop to community-driven projects.⁴⁷ As a group of current and former EPA employees aptly observed in an open letter, "relationships that were built through years of meaningful engagement between communities and the federal government are being jeopardized."⁴⁸

Each of our States has experienced the termination of the EPA environmental justice

⁴⁵ Federal Emergency Management Agency, *National Risk Index*, <https://hazards.fema.gov/nri/map> (Navigating the interactive map, one can click Los Angeles County and see the national percentile of 100%, plus the 'Risk Index Overview' explaining the score relative to the rest of the United States.).

⁴⁶ *Id.*

⁴⁷ See Environmental Health News, *An Open Letter from EPA Staff to the American Public* (Mar. 20, 2025).

⁴⁸ *Id.*

grant programs in unique and harmful ways:⁴⁹

California was the single largest beneficiary of EPA environmental justice funding, with forty grantees slated to receive more than \$301 million from EPA through the environmental justice programs described above. EPA's focus on these grantees makes sense because California, the most populous state, has a particularly acute air quality problem. Despite many efforts to reduce pollution, California's air quality remains stubbornly among the worst in the nation.⁵⁰ Seven of the ten smoggiest cities in the country are in California.⁵¹ A majority of the sixty-four projects awarded by EPA had committed to making improvements in air quality, such as offering residential air purification devices, electrifying public transit systems, and remediating toxic exposures within residential homes. All of those objectives have been placed into jeopardy by EPA's unlawful terminations.

In **Massachusetts**, there are an estimated nine grantees slated to receive more than \$85 million from EPA under Environmental and Climate Justice Block Grants program. This funding directly addressed environmental issues affecting Massachusetts communities. Air quality in the Boston metro area declined between 2021 and 2023, with worsening ozone and particulate matter pollution driven in part by increasing wildfire smoke from Canada.⁵² Extreme heat, exacerbated by the urban heat island effect, also continues to threaten communities as

⁴⁹ The States listed herein have estimated these numbers to the best of their abilities based on publicly available data from [USASpending.gov](https://www.usaspending.gov), and have undertaken diligent efforts to exclude grantees that are not members of the putative class.

⁵⁰ Cresencio Rodriguez-Delgado, *California Has Some of the Worst Air Quality in the Country. The Problem is Rooted in the San Joaquin Valley*, PBS NEWS (June 16, 2022).

⁵¹ American Lung Association, *Most Polluted Cities* (2024) (listing seven California cities for 24-hour (short-term) particulate matter (PM2.5) pollution).

⁵² American Lung Association, *2025 State of the Air Report: Air Quality Worsens in Boston Metro Area Due to Wildfire Smoke* (Apr. 22, 2025).

Massachusetts increasingly faces record-high temperatures.⁵³ The awarded projects benefitted communities across Massachusetts by improving air and water quality, protecting residents from extreme heat, and promoting climate resiliency. The unlawful termination of this funding now threatens the ability of Massachusetts communities to address the environmental and health burdens they face.

In **New York**, EPA awarded an estimated \$71 million to twenty-two grantees. Additionally, a university in New York was awarded \$50 million to grant to community-based organizations across the region. With these funds, the grantees would have built infrastructure to protect residents from extreme weather events in upstate New York, created green space to combat flooding and the heat-island effect in the Bronx and Yonkers, protected Far Rockaway from erosion, and much more. The terminations have forced grantees to freeze hiring and reduce staff hours and will likely lead to layoffs if funding is not restored.

In **Arizona**, there are an estimated eight grantees slated to receive \$31.5 million in federal funding from the EPA.

Colorado local governments and non-profit organizations collectively received tens of millions of dollars under the Environmental and Climate Justice Block Grant program. Many of those entities never received the majority of promised funding due to EPA's sudden elimination of the program. Proposed projects funded by those grants aimed to promote climate resiliency, provide key health benefits to vulnerable communities, and establish the infrastructure to provide additional grants to underserved and disadvantaged communities. For example, EPA provided just over \$20 million to a Denver-based nonprofit to establish a climate resilience center for

⁵³ Bhaamati Borkhetaria, *Average summer temps in Massachusetts have risen by 2.75 degrees Fahrenheit in past 55 years, according to new data*, Commonwealth Beacon (May 30, 2025).

communities who have been disproportionately impacted by climate change.⁵⁴ The center was going to serve as a vital gathering space with a grocery store, food stalls, a mental health center, and a laundry facility. It would also have served as a disaster refuge during severe climate events like grid failure or periods of severe wildfire smoke.⁵⁵

Entities within **Connecticut** have nearly \$30 million in obligated federal funds for the various grants within the scope of this litigation. The impacted grants address a range of the issues highlighted by other states, including air pollution. Connecticut has persistent problems with nonattainment of National Ambient Air Quality Standards, including for ozone, which imposes a disproportionate burden on children, the elderly, those who work outside, and those in environmental justice communities, where rates of asthma are higher.

In **Hawai‘i**, an estimated five grantees are slated to receive \$19 million in federal funds from EPA. The bulk of those funds would have assisted in building an energy independent community in the high fire-prone area of Waianae, Hawai‘i. The program also sought to establish systems to improve climate resiliency by improving food security and establishing green firebreaks within the community.

In **Illinois**, a nonprofit received a \$2.7 million Community Change Grant to fund an initiative helping community organizations advocate government to promote more equitable policies concerning the Chicago-Calumet River System, such as creating more public spaces in communities overburdened with industry, addressing sewage back-ups, and providing a healthier environment for children. As a result of EPA’s termination of this grant, the community will lose important opportunities to interact with government decisionmakers on environmental quality

⁵⁴ See USASpending.gov, Cooperative Agreement FAIN 00I40400.

⁵⁵ Sam Brasch, *Colorado environmental justice groups are struggling to keep their projects alive after federal funding cuts*, CPR News (May 28, 2025).

issues affecting their lives. Another Illinois nonprofit received a Collaborative Problem-Solving Grant to collect air quality data and create emergency preparedness plans to respond to releases of toxic air pollution in the East St. Louis community, an area of Southern Illinois that experiences disproportionate environmental burdens. Had EPA funding not been terminated, this project would have benefitted the East St. Louis community, which was identified as having one of the highest rates of asthma in the country⁵⁶ and an area that requires a high need for related medical services.⁵⁷

In **Maine**, there are an estimated six grantees slated to receive a total of approximately \$3.536 million in federal funds from EPA. The grantees include two Government-to-Government grants and four Collaborative Problem-Solving grants serving Maine's vulnerable rural, urban, working waterfront, and Tribal populations. These grant programs seek to achieve goals such as installing heat pumps in housing occupied by Tribal members and providing training for members to become certified renewable energy technicians; engaging vulnerable working waterfront communities to have meaningful involvement in offshore wind development in the Gulf of Maine; and providing workforce development to those in underserved communities that will reduce greenhouse gas emissions and other air pollutants through clean energy projects.

In **Maryland**, there are an estimated eight grantees slated to receive \$62.7 million in federal funds from EPA. Several Maryland public universities were subrecipients of EPA's Region 3 TCTAC grant to the National Wildlife Federation, which was terminated on February 21, 2025. The primary objectives of these grants were to provide technical and scientific

⁵⁶ See Crystal Gammon, *Pollution, Poverty and People of Color: Asthma and the Inner City*, SCI. AM. (June 20, 2012).

⁵⁷ See Illinois Department of Public Health, *Illinois Asthma State Plan: Addressing Asthma in Illinois 2021-2026* (March 2021), at 13.

assistance to organizations applying for federal funding with the support of TCTAC “hub partners”— universities, including Historically Black Colleges and Universities (HBCUs), and community organizations. The Region 3 TCTAC epitomized the Congressional goals of the Section 138 funds, promoting environmental justice through community and collaboration and supporting access to funding opportunities for historically disadvantaged communities. The termination and subsequent stop-work orders have forced subgrantees to curtail this important work, limiting access to these support services and defeating the statutory purposes of the grants.

In **Michigan**, there are approximately ten grantees slated to receive around \$85 million in federal funds from EPA, including a grant to the City of Flint for a community engagement and climate resiliency plan.

In **Minnesota**, there are an estimated eleven grantees slated to receive more than \$41 million from EPA under the Environmental and Climate Justice Block Grant program. With this funding, environmental justice communities across Minnesota would directly address the environmental and health issues that disproportionately burden them. Examples include building climate resiliency hubs for Native American Tribes and urban Indigenous communities, installing low-and-zero emission infrastructure and technologies in historically under-resourced communities, and providing educational and economic opportunities through workforce development aimed at reducing greenhouse gas emissions and other pollutants. The terminations will hamper Minnesota’s efforts to protect residents from extreme weather events, address air and water quality, and promote climate resiliency.

In **New Jersey**, there are an estimated six grantees slated to receive \$53 million in federal funds from EPA. New Jersey’s Ironbound neighborhood in Newark expected to receive significant and vital \$19.3 million in Community Change Grant funding to support its mobile

microgrid project, which would help reduce the neighborhood's reliance on fossil fuels, lower emissions, and improve air quality. The Ironbound neighborhood experiences environmental harms leading to adverse health issues from pollution, such as increased rates of asthma, cardiovascular diseases, cancers, and neurological problems in children.⁵⁸ The neighborhood is also located in a high-flood area as demonstrated from Hurricane Sandy's storm surge in 2012. Currently, half of properties in the neighborhood have a high-risk of flooding and within the next 30 years that number will increase to over 60%.⁵⁹ With the microgrid project, the neighborhood was on track to develop and implement contingency plans to ensure the neighborhood had a reliable source of power during disasters.

In **North Carolina**, there are an estimated eight grantees slated to receive over \$178 million in federal funds from EPA. With this money, grantees and subgrantees would have invested in projects to, among other things, upgrade sewer lines to reduce leaks into drinking water sources; reduce incidents of housing-related asthma; replace lead service lines to reduce exposure to lead in drinking water; and assess the presence of mercury and other toxins in fish tissue. As a result of these grant terminations communities in North Carolina will be forced to forego the benefits of these projects and continue enduring the environmental harms these projects were intended to address.

In **Oregon**, there are an estimated twelve grantees slated to receive over \$96 million in federal funds from EPA. This funding would have expanded infrastructure to protect residents

⁵⁸ Kristen Lewis & Alex Powers, *The Measure of America Series: A Portrait of Newark* 36 (Social Science Research Council, 2024); Caroline Craig, *Industry Surrounds Newark's Ironbound Neighborhood—But These Residents Won't Let It Define Them* (April 1, 2019); N.J. Dep't of Health, Essex Co. Newark City, 2022 Health Community Planning Report (Oct. 2022).

⁵⁹ First Street Tech., Inc., *North Ironbound Flooding Risk*; Mark Bonamo, *Amid Newark Building Boom, Passaic River Flooding Poses Threat*, New Jersey Monitor (Dec. 5, 2024).

from, and improve community resiliency in response to, extreme weather events, such as extreme heat and wildfire smoke, in rural, tribal and underserved areas, including to the lands of the Confederated Tribes of the Grand Ronde, Lane County, the City of Chiloquin, and other projects in central and southern Oregon and the Rogue Valley.

In **Rhode Island**, there are an estimated four grantees slated to receive some \$20.2 million in federal funds from EPA. With these funds, grantees were set to support Rhode Island's environmental justice communities and provide much needed opportunities. For instance, grantees planned to provide programs designed to engage underserved urban communities in efforts to encourage increased tree canopy and green space in their neighborhoods to minimize the impacts of urban heat islands, as well as other programs aimed to reduce food-related carbon emissions while improving food security for vulnerable populations and providing job training.

In **Washington**, fourteen grantees were obligated over \$59 million in funding from the grant programs. Funding under these EPA programs helped Washington's disadvantaged communities, which currently lack adaptive capacity, prepare for and reduce harm from events such as accelerating extreme heat and increasingly frequent and severe wildfires and smoke in the State.⁶⁰ A grant for Spokane Conservation District assisted in building tree canopy for urban areas disproportionately impacted by extreme heat and the urban heat island effect, while also working to develop urban forestry education and careers. A grant to the Yakama Nation would prevent wildfires with forest harvest and conservation techniques.

⁶⁰ Vogel, et al., *In the Hot Seat: Saving Lives from Extreme Heat in Washington State. Report prepared by the University of Washington's Climate Impacts Group, University of Washington Center for Health and the Global Environment; Washington State Enhanced Hazard Mitigation Plan* (2023).

In **Washington, D.C.**, an estimated five grantees expected to receive over \$55.3 million in EPA funds. In 2025, the federal government terminated critical EPA grants awarded to support improved and healthier affordable housing efforts in the District of Columbia, including a \$20 million Community Change Grant and a \$500,000 Environmental Justice Collaborative Problem Solving Grant, both awarded to the National Housing Trust as the prime grantee, in partnership with D.C.'s Children's Law Center.⁶¹ These grants were intended to fund urgently needed health and energy retrofits in six affordable multifamily housing properties in the District—homes where at least sixty-three children with asthma have required 116 emergency room visits over six years due to substandard environmental conditions.⁶² The suspended funds would have supported the remediation of asthma-triggering pollutants and retrofits in approximately 800 homes, directly improving health outcomes for vulnerable families.⁶³ Withholding these funds has already caused, and will continue to cause, serious harm in the District, which benefits from the efforts of organizations like NHT. NHT has incurred unreimbursed staff time and resources, while construction jobs that would have been created or sustained are at risk. The uncertainty surrounding these grants has also undermined the confidence among the impacted nonprofit affordable housing providers, discouraging further participation and increasing health risks for already overburdened families.

⁶¹ See EPA, *Biden-Harris Announces \$20 Million Environmental and Climate Justice Community Change Grant to District of Columbia Organizations* (July 25, 2024); EPA, *Biden-Harris Administration Announces \$500,000 for Environmental Justice Projects in Communities in the District of Columbia as Part of Investing in America Agenda*, (Oct. 24, 2023).

⁶² See IMPACT DC Asthma Clinic, *Healthy Housing Map*, Children's National Hospital (2016 – 2022).

⁶³ D.C. Healthy, *Green and Affordable Housing Program*, National Housing Trust.

II. Plaintiffs Are Likely to Succeed on the Merits.

The States also agree with Plaintiffs' argument that they are likely to succeed on the merits. *See* ECF No. 39-1 at 11-27. As multiple courts have held in recent cases brought by the States, the Executive's termination of a Congressionally mandated grant program violates Constitutional separation of powers and the Administrative Procedure Act (APA). *See, e.g., Massachusetts v. Kennedy*, No. CV 25-10814-WGY, 2025 WL 1822487, at *15-21 (D. Mass. July 2, 2025) (granting final judgment on claims that widespread grant terminations pursuant to executive order targeting diversity, equity, and inclusion programs violated APA); *Washington v. U.S. Department of Transportation*, No. 2:25-CV-00848-TL, 2025 WL 1742893, at *24-26 (W.D. Wash. June 24, 2025) (granting preliminary injunction based on APA and separation-of-powers claims where defendants halted Congressionally mandated grant program for electric vehicle infrastructure); *Colorado v. U.S. Dep't of Health & Hum. Servs.*, No. 1:25-CV-00121-MSM-LDA, 2025 WL 1426226, at *18-19 (D.R.I. May 16, 2025) (granting preliminary injunction based on APA and separation-of-powers claims where defendants terminated Congressionally appropriated public health grant programs); *Rhode Island v. Trump*, No. 1:25-cv-128-JJM-LDA, 2025 WL 1303868, at *5-15 (D.R.I. May 6, 2025) (same); *see also Massachusetts v. Nat'l Institutes of Health*, 770 F. Supp. 3d 277, 291-92, 303-318 (D. Mass. 2025) (granting preliminary injunction based on APA claims where defendants had slashed biomedical funding); *New York v. Trump*, 769 F. Supp. 3d 119, 142 (D.R.I. 2025) (preliminarily enjoining broad federal funding freeze based on likelihood of success on APA claims); *California v. United States Dep't of Transportation*, No. 25-CV-208-JJM-PAS, 2025 WL 1711531, at *3 (D.R.I. June 19, 2025) (granting preliminary injunction based on APA and Spending Clause claims where conditions placed on transportation grants lacked "any plausible connection [to]

congressionally approved purposes”). For similar reasons, EPA’s termination of the Congressionally mandated Environmental and Climate Justice Grant program at issue here was unlawful and this Court should enjoin that termination.

CONCLUSION

For these reasons, the Court should grant Plaintiffs’ motion for a preliminary injunction.

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Respectfully submitted,

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