

July 28, 2023

The Honorable Kevin McCarthy
Speaker of the House
United States House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Hakeem Jeffries
Minority Leader
United States House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Re: REQUEST FOR CONGRESS TO TAKE URGENT ACTION TO ADDRESS THE CLIMATE-DRIVEN HEAT EMERGENCY: BAN UTILITY SHUTOFFS, PHASE OUT FOSSIL FUELS, BUILD RESILIENT UTILITY INFRASTRUCTURE

Dear Majority Leader Schumer, Speaker McCarthy, Leader McConnell, and Leader Jeffries:

On behalf of our millions of members and supporters nationwide, we, the undersigned 172 organizations—including utility justice, civil rights, energy democracy and justice, environmental justice, conservation, faith, labor, health advocate, consumer advocate, and legal educational organizations—write with deep concern about the impacts of the relentless heat wave that endangers the lives of millions of Americans without access to electricity, water, and other basic utility services. We urge you to take decisive action that achieves both short-term relief and addresses systemic causes of the climate emergency fueling the heat waves. First, we urge Congress to pass an emergency relief package that **(1) implements a nationwide, heat-based moratorium on the shut-offs of electricity, water and other utilities, and provide increased funding for low-income household assistance, and (2) establishes cooling centers and drinking water facilities for at-risk populations and workers.** Second, it is vital that Congress tackle the systemic reasons driving these extreme climate-driven weather events and utility injustice: **(1) phase out fossil fuels, the driver of the climate emergency; (2) permanently ban utility shutoffs year-round; and (3) fund distributed renewable energy systems and climate-resilient, affordable public water systems.**

The extreme heat emergency pummeling the country has resulted in widespread public health impacts, from heat stroke to respiratory distress and even death. Last week, a farmworker and father of two young children died after working several days in over 110 degree weather.¹

¹ Daniel Gonzalez, “Yuma worker and father of 2 dies amid record heat wave,” Arizona Republic, (July 24, 2023), <https://www.azcentral.com/story/news/local/arizona/2023/07/24/yuma-farmworker-dies-arizona-heat-wave/70457694007/>.

This same extreme heat killed 10 people in Laredo, Texas weeks earlier because they could not cool their homes.² New research shows that in major U.S. cities, roughly 1 in 4 residents lives on a heat island where temperatures are at least 8 degrees warmer than in other areas.³ The danger of extreme heat cannot be overstated; just in the past 30 years, heat exposure has killed more people in the U.S. than any other weather-related event, including floods, cold weather, and hurricanes combined.⁴

Alarming, these heat waves disproportionately harm low-wealth and Black, Brown, Indigenous, and other communities of color. The legacy of racist redlining has not only concentrated these groups in structurally deficient housing that is costlier to cool and to provide water to due to leakier plumbing and outdated fixtures, but has also deprived these neighborhoods of tree cover, green space, public water fountains, and other public sources of relief from extreme heat. These communities also suffer from elevated levels of illness that extreme heat and dehydration can exacerbate, like heart and respiratory diseases.

While President Biden recently announced some actions his Administration is taking to address immediate relief during the heat emergency, there is far more that must be done to protect communities.⁵ We therefore urge Congress to take immediate action that provides *both short-term relief and long-term systemic change to address extreme heat and the climate emergency*. As a threshold matter, these heat waves are a direct result of the climate emergency and fossil fuels. A recent study found that the heat waves currently sweeping the United States, Europe, and China are a direct result of human-caused climate change and will become only more intense and more frequent unless humans halt the burning of fossil fuels that warm the planet.⁶ The commonsense long-term solution to future heat waves is halting fossil fuels.

² J. David Goodman, “In a Texas City, Heat Proved Deadly Even for Those Long Used to It,” New York Times, (July 13, 2023), <https://www.nytimes.com/2023/07/13/us/texas-heat-deaths-webb-county.html>.

³ Daniel Cusick, “Millions of Americans bake on urban 'heat islands' — research,” E&E News, (July 26, 2023), <https://subscriber.politicopro.com/article/eenews/2023/07/26/millions-of-americans-bake-on-urban-heat-islands-research-00108093>.

⁴ Jordan Clark, Ashley Ward, “Defining Extreme Heat as a Hazard: A Review of Current State Hazard Mitigation Plans”, Duke Nicholas Institute for Energy, Environment, and Sustainability. (2023), https://nicholasinstitute.duke.edu/sites/default/files/publications/defining-extreme-heat-hazard-review-current-state-hazard-mitigation-plans_0.pdf.

⁵ See President Biden Announces New Actions to Protect Workers and Communities from Extreme Heat, (July 27, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/07/27/fact-sheet-president-biden-to-announce-new-actions-to-protect-workers-and-communities-from-extreme-heat/>.

⁶ World Weather Attribution, *Extreme heat in North America, Europe, and China in July 2023 made much more likely by climate change*, July 25, 2023, <https://www.worldweatherattribution.org/extreme-heat-in-north-america-europe-and-china-in-july-2023-made-much-more-likely-by-climate-change/>.

Request for Short-Term Relief

First, we request Congress pass a robust nationwide moratorium on electricity, water, and broadband shutoffs during months of extreme heat, reinstate disconnected services, waive late-payment fees, and forgive all utility debt for low-wealth households, and increase funding for the Low-Income Household Energy Assistance Program (LIHEAP) and the Low-Income Household Water Assistance Program (LIHWAP).

Representatives Bush, Tlaib and Bowman introduced a resolution that recognizes access to electricity, water, broadband and other utility services as a human right.⁷ Despite this and the increasingly precarious and often fatal consequences of disconnections during heat waves, only 20 jurisdictions offer heat-based moratoria on electricity disconnections compared to the 41 that do so for cold temperatures.⁸ Alarming, seven states still lack any weather-based protections.⁹ Worse, these protections generally do not apply to water or broadband utilities. Even fewer states offer protections for particularly vulnerable customers, like households with young children, seniors, and people with disabilities. Nothing short of an immediate nationwide ban on shutoffs during these high-temperature months can resolve the existing patchwork of moratoria and provide the life-saving protection all communities need and deserve, especially during an emergency heat wave.

Importantly, the ban must be complemented by the elimination of late-payment fees, reconnection of all households whose services have already been cut, and forgiveness of the debt accrued by low-wealth customers. These measures will safeguard struggling families from the lingering avenues to energy and water insecurity that would otherwise persist in the wake of a ban on utility shutoffs. Congress should also provide emergency funding to LIHEAP and LIHWAP to cover the costs of unaffordable utility bills for low-income households,¹⁰ as well as increase funding for the Cooling Assistance Program for historically cold-weather states that currently have little to no funding.

Second, Congress should immediately establish accessible cooling centers and expand drinking water refill stations or public drinking water fountains for at-risk populations, especially unhoused populations, laborers (including farmworkers, construction workers, delivery and postal workers), migrants, elderly and low-wealth communities. Cooling centers are a life-saving measure for many, especially those who work

⁷ House Resolution recognizing access to water, sanitation, electricity, heating, cooling, broadband communications, and public transportation as basic human rights, introduced by Bush, Tlaib, and Bowman (June 29, 2022), <https://bush.house.gov/imo/media/doc/utilitieshumanrightresolutionfinal.pdf>.

⁸ Sanya Carley et. al., “Electric Utility Disconnections: Legal Protections & Policy Recommendations”, Energy Justice Lab, Indiana University, (June 2023), <https://utilitydisconnections.org/doc/electric-utility-disconnections-legal-protections-and-policy-recommendations.pdf>.

⁹ Id.

¹⁰ Representatives Grijalva, Stanton & Gallego Call for Emergency Low-Income Utility Assistance. See <https://grijalva.house.gov/amid-record-breaking-heat-wave-grijalva-stanton-gallego-call-for-emergency-low-income-utility-assistance/>.

outside, lack access to or cannot afford air conditioning, or are at-risk of serious and fatal heat-related health impacts. Despite how important these centers are, they are often inaccessible especially for populations that need it most. Further, only about half of parks are reported to have drinking water fountains in the United States,¹¹ with access to reliable public water fountains on the decline for the last decade.¹² A recent study in the International Journal of Environmental Research and Public Health found that across 25 cities only 10.3 percent of people were within walking distance of a cooling center.¹³ In cities where the current heat wave is most severe—such as Phoenix and San Jose—less than 5 percent of cooling centers were within walking distance. Other access barriers include lack of staffing at cooling centers, unaffordable public transportation to reach these centers, and many centers do not stay open long enough. Congress should expand cooling center hours and unlock federal funds for these centers and other critical heat relief measures by immediately passing the *Extreme Heat Emergency Act*.

Request for Systemic Action

First, we request Congress address the systemic issue driving these extreme heat waves and other climate-driven disasters: fossil fuels. Congress should stop all new fossil fuel development and phase out existing fossil fuel production and combustion. Heat waves and other extreme climate events are driven by the combustion of fossil fuels. As the United States is the largest oil and gas producer in the world, we urge Congress to pass the *Keep It in the Ground Act* (H.R. 2519/S. 1115), *BAN Oil Exports Act* (S. 1415), *End Polluter Welfare Act* (H.R. 2102/S. 1167) and *Future Generations Protection Act* (H.R. 6168).

Second, Congress should enact a permanent utility shutoff ban, year-round and regardless of weather, to safeguard families against inhumane disconnections. Millions of families each year are cut off from their utility services, and extreme weather exacerbates and highlights the urgency of these chronic issues. From 2020 to 2022, electric utilities disconnected households over 5.7 million times.¹⁴ Further, a national survey found that the average water utility disconnected 5% of households for nonpayment in 2016, affecting an estimated 15 million people in the United States.¹⁵ A 2022 study found that an estimated one in ten U.S. households has unaffordable water bills, with water burdens disparately high for low-income and Black

¹¹ Park, Sohyun et al. “Use of parks or playgrounds: reported access to drinking water fountains among US adults, 2009.” *Journal of Public Health*, Volume 34, Issue 1, March 2012, Pages 65–72.

¹² Pierre-Louis. “We don’t trust drinking fountains anymore, and that’s bad for our health.” *Washington Post*. July 8, 2015.

¹³ Kyusik Kim, Jihoon Jung, “A Comparative Assessment of Cooling Center Preparedness across Twelve U.S. Cities”, *Int J Environ Res Public Health*, vol. 18, 9 4801, (Apr. 30, 2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8125005/>.

¹⁴ Selah Goodson Bell, Jean Su, *supra* note 11.

¹⁵ There is no updated figure, as no federal entity tracks disconnections of water service. Food & Water Watch. *America’s Secret Water Crisis*. 2018.

households.¹⁶ Finally, nearly one out of every 5 households lacks a home internet connection, with low-wealth households being disproportionately disconnected. To pay for this universal right to utilities, Congress should consider mandating utilities to pay for debt via shareholder funds, and not ratepayers.¹⁷

Third, Congress should appropriate significant funds to long-term solutions for utility justice, including investing in distributed renewable energy systems and climate-resilient, affordable publicly controlled water systems in communities of color and low-wealth. Both the Inflation Reduction Act and Bipartisan Infrastructure Law provided funding for renewable energy systems and water and wastewater systems, but only at a fraction of what is required to ensure widespread distributed clean energy and robust water and wastewater infrastructure.

Congress should appropriate funds and continue to compel executive agencies to direct funding and incentives for constructing truly resilient and distributed renewable systems, such as rooftop and community solar with battery storage as well as microgrids, especially in low wealth communities and communities of color. These systems, as well as energy efficiency and demand response technologies, can diminish the frequency and deadliness of heat wave-induced power outages by reducing peak load, which in turn lowers electricity demand, and maintaining life-saving power to households and critical facilities in the wake of blackouts.

Congress should also tackle our nation's water affordability crisis head-on by fully funding municipal and rural water infrastructure. Extreme heat coupled with prolonged droughts are stressing water supplies, leading to water conservation orders and boil orders from main breaks and low pressure. Our outdated water infrastructure systems are unprepared for today's climate emergency. Congress should provide increased funding to the Environmental Protection Agency's State Revolving Fund programs, the U.S. Department of Agriculture's Rural Water Grant Program, and other grant programs. Congress should also pass the *Water Affordability, Transparency, Equity and Reliability (WATER) Act* (H.R.1729/S.938) to create a dedicated source of federal funding at the level that our systems need to help ensure safe, affordable and reliable access to water and sanitation in every community.

¹⁶ Cardoso, D. S., & Wichman, C. J. (2022). Water Affordability in the United States. *Water Resources Research*, 58(12), e2022WR032206. <https://doi.org/https://doi.org/10.1029/2022WR032206>

¹⁷ To pay for these protective measures, Congress should consider progressive mechanisms, like mandating utility shareholder contributions, taxing utility executive payouts, and adopting sliding, income-based fees for ratepayers, to fund the shutoff moratorium and arrearage forgiveness. For example, twelve utility parent companies were responsible for more than 80% of the 1.5 million power disconnections for non-payment last year. Just 1% of their spending on shareholder dividends could have covered the cost to prevent all of their shutoffs. See Selah Goodson Bell, Jean Su, et. al., *Powerless in the United States: How Utilities Drive Shutoffs and Energy Injustice*, Center for Biological Diversity, Energy and Policy Institute, Bailout Watch, January 2023, https://www.biologicaldiversity.org/programs/energy-justice/pdfs/Powerless-in-the-US_Report.pdf. Families shouldn't suffer as corporate utilities shamelessly funnel windfall profits to their shareholders and executives.

Thank you for your consideration of this important request.¹⁸

Sincerely,

NATIONAL ORGANIZATIONS

Center for Biological Diversity

Food & Water Watch

Free Press Action

198 methods

350.org

Accelerate Neighborhood Climate Action

Animals Are Sentient Beings Inc

Beyond Extreme Energy

Climate Hawks Vote

Climate Justice Alliance

Corporate Accountability

Defend the Gulf

Endangered Species Coalition

Energy Equity Project

Green Workers Alliance

GreenLatinos

GRID Alternatives

HabitatMap

Human Impact Partners

¹⁸ For any questions, please contact Gaby Sarri-Tobar at gsarritobar@biologicaldiversity.org.

**Institute for Policy Studies Climate Policy
Program**

Interfaith Power & Light

**Kairos Center for Religions, Rights and
Social Justice**

Mothers Out Front

**National Association for the
Advancement of Colored People
(NAACP)**

**Nicaragua Center for Community
Action**

**North American Climate, Conservation
and Environment (NACCE)**

NTEN

**Nuclear Information and Resource
Service**

Oil Change International

Oxfam America

Progressives for Climate

Public Citizen, Inc.

**Restaurant Opportunities Centers
(ROC) United**

Save EPA

Sequoia ForestKeeper®

Seventh Generation

Stand.earth

System Change Not Climate Change

The Enviro Show

The People's Justice Council

Union of Concerned Scientists

**Unitarian Universalists for a Just
Economic Community**

United Native Americans

United Religions Initiative

WE ACT for Environmental Justice

We Own It

Womxn from the Mountain

Zero Hour

REGIONAL ORGANIZATIONS

AFGE Local 704

For Love of Water (FLOW)

New Energy Economy

STATE ORGANIZATIONS

**1000 Grandmothers for Future
Generations**

350 Bay Area Action

350 Chicago

350 Conejo / San Fernando Valley

350 Lake Norman

350 Sacramento

350 Triangle

350Brooklyn

350Hawaii

Activate 48

Alabama Interfaith Power & Light

Alliance for a Green Economy

Arizona Public Health Association

ARTivism Virginia

Bergen County Green Partyal

Bronx Climate Justice North

Capitol Heights Presbyterian Church

**California Alliance for Retired
Americans**

Care NET (Northeast Tennessee)

CDP Energy & Environment Initiative

Change Begins With ME (Indivisible)

Chispa AZ

Church Women United in New York State

**Citizens' Alliance for a Sustainable
Englewood**

Climate + Energy Project

**Climate Action Campaign of the
Humboldt Unitarian Universalist
Fellowship**

Climate Reality

**Climate Reality Project: Memphis Mid-
South Region**

Closing the Water Gap Working Group

CO Jewish Climate Action

Colorado Call to Action

CatholicNetwork

**Colorado Community Rights Network
(COCRN)**

**Colorado Physicians for Social
Responsibility**

Colorado Small Business Alliance

Communities for Local Power

Community for Sustainable Energy

**Concerned Health Professionals of
Pennsylvania**

DC Environmental Network

**Democratic Socialists of America -
Knoxville, TN**

Don't Waste Arizona

Earth Charter Indiana

Earth Ethics, Inc.

Ecumenical Ministries of Oregon

Empower DC

Energy Allies

Extinction Rebellion Delaware

FreshWater Accountability Project Ohio

Greater Park Hill Community

Green House Connection Center

Harrington Investments, Inc.

**I-70/Vasquez Blvd Citizens Advisory
Committee**

Indivisible Ambassadors

Jewish Climate Action Network

Local Clean Energy Alliance (LCEA)

**Los Angeles Community Action Network
(LA CAN)**

Lower Cape Indivisible

**Maryville Huddle of Women's March
Coalition East TN**

**Mayfair Park Neighborhood Association
Board**

Media Alliance

Mental Health & Inclusion Ministries

**Michigan Environmental Justice
Coalition**

MN350

**Montana Environmental Information
Center**

**Montbello Neighborhood Improvement
Association**

MoveOn.org Hoboken

NC Council of Churches

NC Interfaith Power & Light

Network for a Sustainable Tomorrow

New Mexico Climate Justice

New York Lawyers for the Public Interest

**Nick Venner, Metro State Student and
Our Children's Trust Juliana Plaintiff**

North Range Concerned Citizens

North Bronx Racial Justice

NYC Grassroots Alliance

Occupy Bergen County

Orange RAPP

**Pass the Federal Green New Deal
Coalition**

Pass the Green New Deal WA

Pennsylvania Interfaith Power & Light

**Physicians for Social Responsibility
Pennsylvania**

PODER

**Portland Advocates for Leadfree Drinking
Water**

**Powell Valley Electric Coop Member
Voices**

Preserve Montgomery County VA

PSARA (Puget Sound Advocates for Retirement Action)

PSR Arizona

Public Justice Center

Rise Up WV

**Rodfei Tzedek, the social justice of
Congregation Rodef Shalom**

Rogue Climate

Sisters of Loretto

**Sisters of St. Dominic of Blauvelt, New
York**

SLO CLEAN WATER

**South Asian Fund For Education
Scholarship and Training Inc**

South Seattle Climate Action Network

Spirit of the Sun

Sunnyside United Neighbors, Inc (SUNI)

Tennessee Alliance for Progress

Terra Advocati

Texas Campaign for the Environment

Together Colorado

Toxics Information Project (TIP)

**Transit Riders Alliance and Colorado
Cross Disabilities Coalition**

Trees Matter

Turtle Island Restoration Network

Unite North Metro Denver

Vibrant Littleton

Virginia Organizing

Vote Climate

Wall of Women

Ward 8 Woods Conservancy

Warehouse Workers for Justice

**Washington State Community Action
Partnership**

Washtenaw350

Waterspirit

We Power DC

West Atlanta Watershed Alliance, Inc.

West End Revitalization Association

Westchetsr for Change

Wilwerding Consulting and Littleton Business Alliance