

July 28, 2023

Spencer Cox, Chair
National Governors Association
444 North Capitol Street, Suite 267
Washington, DC 20001

Mr. Michael Caron, President
National Association of Regulatory Utility
Commissioners
1101 Vermont Ave, Suite 200
Washington DC 20005

Hillary Schieve, President
United States Conference of Mayors
1620 Eye Street Northwest
Washington, DC 20006

Mr. Jim Matheson, CEO
National Rural Electric Cooperative
Association
4301 Wilson Blvd., ET9-201
Arlington, VA 22203

Mr. Jeff Haas, Acting President and CEO
American Public Power Association
2451 Crystal Drive, Suite 1000
Arlington, VA 22202

John Entsminger, President
Association of Metropolitan Water Agencies
1620 I Street, NW, Suite 500
Washington, DC 20006

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

Dear Governor Cox of the National Governors Association, Mayor Schieve of the United States Conference of Mayors, Mr. Caron of the National Association of Regulatory Utility Commissioners, Mr. Matheson of the National Rural Electric Cooperative Association, Mr. Haas of the American Public Power Association, and Mr. Entsminger of the Association of Metropolitan Water Agencies:

On behalf of our millions of members and supporters nationwide, we, the undersigned 172 organizations—including energy democracy and justice, environmental justice, utility justice, environmental, 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. This extreme weather is an emergency and already resulting in at least dozens of deaths and countless hospital visits that are disproportionately impacting low-wealth households and especially unhoused populations. Last week, a farmworker and father of two young children

died after working several days in over 110-degree weather.¹ This same extreme heat killed 10 people in Laredo, Texas weeks earlier because they could not cool their homes.²

As this heat wave intensifies, it continues to put tremendous strain on our already fragile centralized and fossil-fueled energy system, leaving millions without power or at increased risk of blackouts, and on our outdated water infrastructure systems, leaving many under boil orders or conservation orders and without reliable access to clean water. On top of this all, millions continue to face utility-mandated shutoffs. **This is a public health emergency that requires your immediate response.**

We therefore request that your associations—and their member governors, mayors, utility regulators, and rural electric cooperative, public power, and water utility boards—take urgent action to:

- ***Provide Short-Term Relief:***
 - **Implement a moratorium on all electricity, water and broadband utility shut-offs for non-payment during the summer months and waive all late-payment charges;**
 - **Establish emergency cooling centers and expand water refill stations or public drinking fountains in locations that are accessible to the public, especially unhoused populations, laborers (including farmworkers, day laborers, construction workers, delivery and postal workers), migrants, elderly individuals, and low-wealth communities.**
 - **Protect the rights of workers to have water breaks on the job.**
- ***Take Systemic Action:***
 - **Halt fossil fuel production and combustion, the primary driver of the climate emergency.**
 - **Invest significant funds into building resilient and distributed energy systems and climate-resilient, affordable public water systems, especially in communities of color and low-wealth communities.**
 - **Place more stringent restrictions on Inflation Reduction Act (IRA) funding to facilitate the transition away from centralized power and on Bipartisan Infrastructure Law funding to prioritize water access.**

The severity of extreme heat cannot be overstated—just in the past 30 years, heat exposure has killed more people in the United States than any other weather-related event,

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/>.

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>.

including floods, cold weather, and hurricanes combined.³ Estimates show that there could be between 50,000 and 110,000 heat-related premature deaths annually by the end of the century. Already, roughly 1 in 4 residents in major U.S. cities live on a heat island where temperatures are at least 8 degrees warmer than in other areas.⁴ Alarming, these impacts are disproportionately harmful in 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.

Electricity, water and broadband are quite literally life-saving for millions across the country struggling through record temperatures. To address this crisis, and provide both short- and long-term relief for families at risk of shutoffs, growing energy insecurity, and intensifying climate disasters.

Short-term Relief

First, we request your associations call for an immediate moratorium on all electric and water utility shut-offs during the summer months, waiver of late-payment charges, reinstatement of disconnected service, and forgiveness of low wealth households' utility debt.

Despite 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 the cold.⁵ Alarming, seven states still lack any weather-based protections.⁶ And worse, most of these protections do not apply to water access. Even fewer states offer protections for particularly vulnerable customers, like households with young children, seniors, and people with disabilities.⁷ Nothing short of a nationwide ban on shutoffs can resolve the existing patchwork of moratoria and provide the life-saving protection all communities need and deserve, especially during an emergency heat wave.

³ 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.

⁴ 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>.

⁵ 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>

⁶ Id.

⁷ Id.

However, this moratorium must be complemented by the elimination of late-payment fees, reconnection of all households whose services have already been cut, and forgiveness of utility debt accrued by low-wealth customers.⁸ 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.

Second, we urge you to immediately establish accessible cooling centers and expand water refill stations or public drinking fountains for at-risk populations, especially unhoused populations, laborers (including farmworkers, day laborers, construction workers, delivery and postal workers), migrants, elderly individuals, and low-wealth communities. Cooling centers and access to drinking water are life-saving measures for many, especially those who work outside, are unhoused, 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. Only about half of parks are reported to have drinking water fountains in the United States,⁹ with access to reliable public water fountains on the decline for the last decade.¹⁰ 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.¹¹ In cities where the current heat wave is most severe—like Phoenix and San Jose—less than 5 percent of cooling centers were within walking distance. We urge you to also address other access barriers by increasing staffing at cooling centers and funding for public transportation to reach these centers, as well as expanding cooling center hours.

Further, following the efforts of Phoenix, Miami Dade County, South Carolina, and other jurisdictions, every city and state should appoint and effectively support a Chief Heat Officer or Chief Resilience Officer to coordinate equitable climate adaptation measures across

⁸ 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.

⁹ 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.

¹⁰ Pierre-Louis. "We don't trust drinking fountains anymore, and that's bad for our health." *Washington Post*. July 8, 2015.

¹¹ 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/>.

governmental departments.¹² As heat waves and other climate change-induced extreme weather disasters escalate, local and state governments must do all they can to protect their most at-risk communities.

Third, state and local governments must protect the rights of workers, including outdoor laborers and migrant farmworkers, to have water breaks on the job. In September, a Texas state law will go into effect that will eliminate local labor laws, including ones that guarantee water breaks for outdoor laborers.¹³ At least 436 workers, disproportionately Hispanic and Latino workers, are documented to have died of heat exposure from 2011 to 2021, a dramatic undercounting with actual heat-related deaths likely reaching 2,000 each year, according to a Public Citizen analysis. However, only three states (California, Oregon and Washington) require heat breaks for outdoor workers. While awaiting OSHA guidelines, states must immediately work with labor unions to establish standard labor protections that guarantee access to water, rest and shade.¹⁴

Systemic Actions

First, state and local governments should tackle the driver of these climate weather extremes and phase out fossil fuels. 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.¹⁵ State and local governments should do everything in their power to transform their energy portfolios to 100% renewable energy and phase out production of fossil fuels where applicable.

Second, states should enact a permanent utility shutoffs 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

¹² Jorge Morales-Burnett, Rebecca Marx, “The Rise of the Chief Resilience Office: Lessons from 100 Resilient Cities.” *Urban Institute*. September, 2022. <https://www.urban.org/sites/default/files/2022-09/Rise%20of%20CROs%20Brief.pdf>

¹³ Mary Beth Gahan et al. “In Battle Over Direction of Texas, an Unlikely Casualty: Water Breaks.” *New York Times*. June 28, 2023.

¹⁴ Barrett, Barbara. “Many states decline to require water breaks for outdoor workers in extreme heat.” *Nevada Current*. June 30, 2023; Shipley, Julia. “Heat is killing workers in the U.S. — and there are no federal rules to protect them.” *NPR*. August 17, 2021; Isidore, Chris. “Heat can kill on the job and these workers are dying.” *CNN*. July 21, 2023; Public Citizen. “Without Protections, Excessive Workplace Heat Will Injure and Kill Thousands.” May 25, 2023.

¹⁵ 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/>.

households over 5.7 million times.¹⁶ 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.¹⁷ 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 households.¹⁸ 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, states should consider mandating utilities to pay for debt via shareholder funds, and not ratepayers.¹⁹

Third, we request your associations call for systemic policies to prevent electricity and water shut-offs in the long-term by increasing the deployment of resilient and distributed renewable energy systems and climate-resilient, affordable public water systems for all low-wealth and other communities across the country. The emergency heat wave has highlighted the reality that poverty, climate-induced weather events, and dependence on a centralized electric utility system that increases energy burdens on families to finance dirty energy plants is having fatal results. We request an order addressing the deeper systemic issues that have led to the crisis of electricity shut-offs impacting the entire country.

Specifically, we urge your members to commit to policies that transition communities to democratic and decentralized energy systems for a secure and resilient climate future—whereby low-wealth families are not beholden to utilities that continue to build more harmful and expensive fossil fuel plants and thwart efforts to establish cheap and clean distributed power systems. Furthermore, we urge you to direct funding and incentives under the Inflation Reduction Act for constructing these resilient and distributed renewable systems, such as rooftop and community solar with battery storage. These technologies can diminish the frequency and deadliness of heat wave-induced power outages by reducing peak load, which in turn lowers

¹⁶ Selah Goodson Bell, Jean Su, *supra* note 11.

¹⁷ There is no updated figure, as no federal entity tracks disconnections of water service. Food & Water Watch. America's Secret Water Crisis. 2018.

¹⁸ 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>

¹⁹ 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.

electricity demand, and maintaining life-saving power to households and critical facilities in the wake of blackouts.²⁰

In addition, the Bipartisan Infrastructure Law provided more than \$50 billion for water and wastewater systems, and this funding should be prioritized with intentional outreach and technical assistance to ensure affordable, safe and climate-resilient water infrastructure, especially in communities of color and low-wealth communities.

Thank you for your consideration of this important request.²¹

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

²⁰ Distributed renewable energy systems, especially rooftop and community solar, are vital to protecting families. Community solar programs, for example, provide multiple community benefits in the form of energy cost savings, more predictable billing, local decision-making authority, and reliable jobs that pay family-sustaining wages and are unionized. Moreover, distributed energy systems, particularly microgrids and solar plus storage, greatly enhance community, tribal and climate resilience. They provide resilient power when the grid goes down or when demand for centralized power is too high, as is occurring during this heat wave. Importantly, distributed systems can recover faster in severe climate-induced weather events.

²¹ For any questions, please contact Gaby Sarri-Tobar at gsarritobar@biologicaldiversity.org.

Energy Equity Project

Green Workers Alliance

GreenLatinos

GRID Alternatives

HabitatMap

Human Impact Partners

**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

Westchetser for Change

Wilwerding Consulting and Littleton Business Alliance