Congress of the United States

Washington, DC 20515

April 21, 2025

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

RE: Contra Costa County, California Community Change Grant (FAIN: 97T32001)

Dear Administrator Zeldin:

We write concerning the Environmental Protection Agency's (EPA) apparent cancellation of the $19.1 million Community Change Grant awarded to Contra Costa County for its North Richmond Community Resilience Initiative. We believe this termination blatantly violates federal appropriations law, recent federal court injunctions, and EPA's contract with Contra Costa County. In addition, by failing to provide a written notice of termination to Contra Costa County detailing the reasons for termination, EPA has flouted the Code of Federal Regulations. We expect that you will immediately rescind the grant termination and conduct a comprehensive investigation into the lack of transparency in EPA's termination process.

The North Richmond Community Resilience Initiative is one of 105 selected applications for the Community Change Grants Program, funded through the *Inflation Reduction Act of 2022* (P.L.117-169). Through the *Inflation Reduction Act of 2022*, Congress issued a statutory mandate that the appropriated funds be distributed to communities with industrial facilities for the purpose of reducing air pollution. By terminating awarded Community Change Grant funding and failing to disburse these Congressionally appropriated funds, EPA is in clear violation of the *Congressional Budget and Impoundment Control Act of 1974* (P.L.93-344) and Congress's spending authority as outlined in Article 1 of the U.S. Constitution. In addition, multiple federal district courts have enjoined the Trump Administration, and specifically EPA, from canceling Congressionally appropriated funds. If EPA continues to proceed with the termination of federal funds, the Agency will be acting in contempt of court orders.

In addition to these violations of federal appropriations law and federal court injunctions, the cancellation of Contra Costa County's grant breaches EPA's own contract with Contra Costa County. An April 2, 2025, email from EPA's Office of Congressional Affairs to the Office of Congressman John Garamendi states, "The agency determined that this application no longer supports Administration priorities and the award has been cancelled. We have already conveyed this information to the grantee." Yet, Contra Costa County's grant agreement with EPA, signed on January 6th, 2025, does not include a clause allowing termination on the grounds of a change in administration priorities. The EPA General Terms and Conditions applicable to Contra Costa County's contract clearly state that termination can only occur:

(a) If the recipient or subrecipient fails to comply with the terms and conditions of the award, including statutory or regulatory requirements;

(b) With the consent of the recipient when both the recipient and the EPA agree upon the termination conditions, which include the effective date and, in the case of partial termination, the portion to be terminated;

(c) If a recipient sends the EPA a written notification of the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated;

(d) Pursuant to the programmatic terms and conditions specified in the Federal award.

EPA's cited reasoning for cancelling Contra Costa County's grant does not align with any of the termination conditions outlined above. Thus, EPA is in breach of their contract with Contra Costa County.

Concerningly, Contra Costa County reports that the EPA did not provide them with a notice of termination for their grant prior to freezing their funding. This is a clear violation of the Code of Federal Regulations (2 CFR 200.341), which requires Federal agencies to provide grant recipients with a written notice of termination, including a detailed justification for the reasons for termination. The Administration has repeatedly stated it is the "most transparent administration in history," yet EPA failed to complete the most rudimentary notification of grant termination. EPA's lack of communication with Contra Costa County is deeply alarming and provides further evidence of a greater culture of deliberate obscurity by EPA.

North Richmond is an unincorporated area of Contra Costa County, situated along the Bay Area's "refinery corridor." This community faces extreme air pollution exposure due to refining and chemical plant activity, port operations, freight traffic, and various industry and on-road emissions. Without prompt action, North Richmond will continue experiencing significant public health risks and environmental degradation. The North Richmond Community Resilience Initiative was intended to address this rising threat by reducing public exposure to harmful pollutants, improving air quality, increasing energy efficiency, and advancing emergency preparedness. Now, with the status of $19.1 million in federal funding for the Initiative in question, it is unclear whether there is a viable path forward for the Initiative.

Given the grave nature of these seemingly flagrant violations of federal appropriations law, federal court orders, and EPA's contract with Contra Costa County, we expect that EPA will fully and quickly reinstate Contra Costa County's Community Change Grant. In addition, we request your immediate attention regarding EPA's lack of transparency and communication with Contra Costa County. Thank you for your consideration, we await your timely response.

Sincerely,

John Garamendi
Member of Congress

Mark DeSaulnier
Member of Congress