

**Congress of the United States**  
**Washington, DC 20515**

June 21, 2024

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Regan:

I write this letter in support of the September 26, 2023, Petition for Rulemaking submitted by South Baltimore Community Land Trust, Public Justice, Appalachian Mountain Advocates, and several other petitioners (“the Petitioners”) to *Establish a Nationwide National Pollutant Discharge Elimination System Permit for Uncovered Railcars Transporting Coal, Pursuant to 33 U.S.C. § 1342(a)*.<sup>1</sup>

As you know, millions of tons of coal are transported by rail in the United States every year. Due to wind erosion, coal railcars act as point source discharges of pollution, depositing harmful coal dust into the many streams, rivers, other waterways, and communities within proximity of train tracks. These coal and coal dust discharges pollute our nation’s waterways, leading to disastrous effects on aquatic ecosystems across the country. More specifically, fine coal particulates (i) inhibit the ability of aquatic plant life to photosynthesize and grow and (ii) harm gill-breathing marine life. This kind of pollution occurs from the west coast to the east coast, creating adverse health outcomes for families close to the point source discharge of pollution.<sup>2</sup>

My constituents who live next to and around the Curtis Bay terminal, which is the second largest coal export terminal in the nation, struggle to breathe clean air. The working class, majority Black and brown Curtis Bay neighborhood suffers from high levels of coal dust pollution blown from uncovered railcars. A study led by the Maryland Department of Environment and the South Baltimore Community Land Trust confirmed the existence of Particulate Matter 2.5 (PM<sub>2.5</sub>) and Particulate Matter 10 (PM<sub>10</sub>) pollution from coal dust, heavy diesel traffic, two nearby trash incinerators, and other industrial sites.<sup>3</sup> Furthermore, scientific studies have linked PM<sub>2.5</sub> and PM<sub>10</sub> pollution to aggravated asthma, higher mortality rates for

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<sup>1</sup> Sierra Club, “Groups Urge EPA to Regulate Coal Pollution from Uncovered Rail Cars”, September 26, 2023, <https://www.publicjustice.net/groups-urge-epa-to-regulate-coal-pollution-from-uncovered-rail-cars/>

<sup>2</sup> *Ibid.*

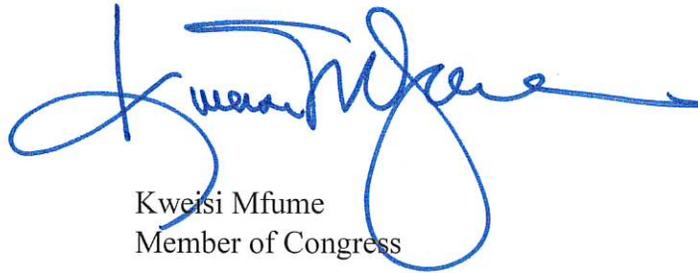
<sup>3</sup> Maryland Department of the Environment, “New Scientific Study Confirms Airborne Coal Dust in Curtis Bay Community”, December 14, 2023, <https://news.maryland.gov/mde/2023/12/14/new-scientific-study-confirms-airborne-coal-dust-in-curtis-bay-community/>

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people with heart or lung disease, and other harmful effects.<sup>4</sup> We can no longer idly sit by and let this grave case of environmental *injustice* continue unabated.

I applaud the monumental work your Agency has done to tackle pollution emitted by the fossil fuel industry. In your fight for environmental justice, I respectfully urge the Environmental Protection Agency, under your leadership, to enter into a rulemaking process consistent with the Petitioners' request as soon as possible. We can and must use the authority, derived from the Clean Water Act, to protect our nation's health and environment. I look forward to your help on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kweisi Mfume", with a long horizontal flourish extending to the right.

Kweisi Mfume  
Member of Congress

cc: South Baltimore Community Land Trust

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<sup>4</sup> U.S. Environmental Protection Agency, "Health and Environmental Effects of Particulate Matter (PM)", August 23, 2023, <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>