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ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

December 14, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra:

We write to request information regarding the new Office of Climate Change and Health Equity (OCCHE) within the Office of the Assistant Secretary for Health (OASH) of the U.S. Department of Health and Human Services (HHS).

State and local public health authorities have the primary responsibility for carrying out public health activities across the country.¹ Federal agencies, such as the Environmental Protection Agency (EPA), HHS's National Institutes of Health (NIH) and Centers for Disease Control and Prevention (CDC), and the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA), each support the development of data and other information resources on climate change that others, including state and local health departments, can use to manage public health risks.²

The roles and responsibilities of agencies must be clear, achievable, and justified by the legal authorities of that government office—this is especially important when taking a whole-of-government approach. On January 27, 2021, President Biden issued Executive Order 14008 (EO14008), *Tackling Climate Crisis at Home and Abroad*.³ Section 211 of EO14008 requires

¹ U.S. Government Accountability Office, *HHS Could Take Further Steps to Enhance Understanding of Public Health Risks*, GAO 16-122 (October 5, 2015) available at <https://www.gao.gov/assets/gao-16-122.pdf>.

² *Id.*

³ Exec. Order No. 14008, 2021. available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

federal agencies to submit a *Climate Action Plan* that describes the steps that agency can take to bolster adaptation and increase resilience to the impacts of climate change. Specifically, EO14008 requires each agency to describe the agency's climate vulnerabilities and the agency's plan to use the power of procurement to increase the energy and water efficiency of agency buildings and facilities to ensure they are climate ready.⁴ By October 2021, over 20 federal agencies submitted a *Climate Action Plan* with the main themes from these plans involving: protecting workers from extreme heat; creating more resilient supply chains against extreme weather; assessing impacts of poor air quality and heat on low-income, minority communities; and preparing government buildings for a changing climate.⁵

In May 2021, President Biden ordered the creation of a comprehensive government-wide climate-risk strategy within 120 days. Secretary Becerra stated that establishing OCCHE is part of that strategy. On August 31, 2021, President Biden issued an amendment to section 222(d) of EO14008, directing the Secretary of HHS to establish OCCHE to "address the impact of climate change on the health of the American people."⁶

Pursuant to EO14008, OCCHE is tasked with:

- Identifying communities with disproportionate exposures to climate hazards and vulnerable populations;
- Addressing health disparities exacerbated by climate impacts to enhance community health resilience;
- Promoting and translating research on public health benefits of multi-sectoral climate actions;
- Supporting regulatory efforts to reduce greenhouse gas emissions and criteria air pollution throughout the health care sector, including participating suppliers and providers;
- Fostering innovation in climate adaptation and resilience for people and communities experiencing a disproportionate share of climate impacts and health inequities;
- Providing expertise and coordination to the White House and other Federal agencies related to climate change and health equity deliverables and activities, including executive order implementation, and reporting on health adaptation actions under the United Nations Framework Convention on Climate Change;
- Promoting training opportunities to build the climate and health workforce and empower communities; and

⁴ Exec. Order No. 14008, 2021. available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

⁵ Emma Newburger, *Here's how U.S. government agencies are planning to adapt to climate change*, CNBC (October 7, 2021) available at <https://www.cnbc.com/2021/10/07/us-government-agencies-release-climate-adaptation-plans.html>.

⁶ Establishment of the Office of Climate Change and Health Equity; A Notice by the Health and Human Services Department, 86 Fed. Reg. 48745-48746 (August 31, 2021).

- Exploring opportunities to partner with the philanthropic and private sectors to support innovative programming to address disparities and health sector transformation.

HHS has funded OCCHE through the General Departmental Management federal account. For this current fiscal year, this agency has been granted authority to spend \$879,000,000 from this federal account.⁷ The House Appropriations Committee gave an increase of \$100,000,000 to expand the Climate and Health program to all states and territories to identify potential health effects associated with climate change and implement health adaptation plans.⁸ HHS has requested \$3,000,000 from Congress to fund OCCHE next year, with plans to draw on existing resources until then.⁹ Employees tasked with starting up the office have been brought from other agencies and drawing from other funds.¹⁰

President Biden continues to demand hundreds of billions of dollars for clean energy and climate provisions through the budget reconciliation process. We are concerned that unmoored politics—rather than congressional enactments—are leading President Biden’s agenda, which may result in inefficient and duplicative efforts across multiple divisions of the department as well as other federal agencies.

Accordingly, to assist the Committee in understanding OCCHE’s objectives and activities, we request a staff briefing by December 28, 2021 on OCCHE’s statutory authority, including, but not limited to:

- Each statutory authority OCCHE employs to carry out the tasks set out in the EO14008;
- OCCHE’s collaboration with other federal agencies that are actually tasked with addressing climate matters;
- HHS funding that has been redirected to OCCHE – and the offices and programs from which such funds have been redirected;
- OCCHE’s programs and their utility and effectiveness as part of the whole-of-government strategy for managing climate change risks;
- The roles and responsibilities of all full-time employees within OCCHE, i.e., the Director of OCCHE, and the frequency and purpose of the Director’s coordination with other agency heads or senior officials;

⁷ USASpending.gov, *General Departmental Management, Departmental Management, Health and Human Services*, available at https://www.usaspending.gov/federal_account/075-0120.

⁸ H.R. Rep No. 117-96, at 98 (2021).

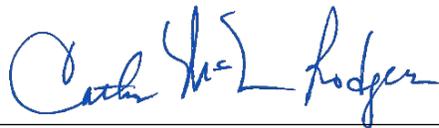
⁹ Adam Cancryn, *HHS unveils office to treat climate change as a health issue*, POLITICO (August 30, 2021) available at <https://www.politico.com/news/2021/08/30/hhs-unveils-office-climate-change-507603>.

¹⁰ Lisa Friedman, *Biden Opens New Federal Office for Climate Change, Health and Equity*, NEW YORK TIMES (August 30, 2021) available at <https://www.nytimes.com/2021/08/30/climate/biden-climate-change-health-equity.html>.

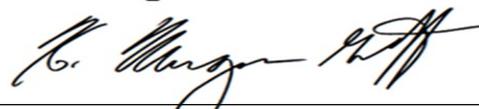
- OCCHE's communications with the Committee, particularly with an eye towards congressional oversight efforts to review, monitor, and supervise OCCHE's programs and activities;
- Any specific actions OCCHE plans to take to address the carbon footprint associated with hospital services and medical care and whether OCCHE has assessed the impact such actions will have on medical services for Americans; and
- Any other matters related to OCCHE's ongoing and future work.

We appreciate your timely cooperation in this matter. Please contact Marissa Gervasi with the Minority Staff at (202) 225-3641 to schedule the staff briefing.

Sincerely,



Cathy McMorris Rodgers
Republican Leader
Committee on Energy and Commerce



H. Morgan Griffith
Republican Leader
Subcommittee on Oversight and
Investigations