

President Joe Biden
Vice President Kamala Harris
Speaker of the House, Mike Johnson
House Minority Leader, Hakeem Jeffries
Senate Majority Leader, Chuck Schumer
Senate Minority Leader, Mitch McConnell

cc: Chair, Council on Environmental Quality, Brenda Mallory
National Climate Advisor, Ali Zaidi
White House Environmental Justice Advisory Committee

Dear President Biden, Vice President Harris, Speaker Johnson, Minority Leader Jeffries, Majority Leader Schumer, and Minority Leader McConnell,

As organizations accountable to frontline, environmental justice, and Tribal communities across the country, we write to strongly oppose the Energy Permitting Reform Act of 2024 “EPRA” (S.4753).¹ The legislation is an abhorrent effort to deny mostly Black, Brown, and low-income people the right to a healthy community. This bill will stifle our communities’ right to public input, and thwart our transition to an equitable, sustainable, and renewable energy economy.

Our organizations continue to affirm the importance of the *17 Principles of Environmental Justice* of 1991 and the 1996 *Jemez Principles for Democratic Organizing*.^{2,3} Additionally, we align with the prescriptions developed in the 2020 *A People’s Orientation to a Regenerative Economy* and the demands included in the 2021 *Black Climate Mandate*.^{4,5} In order to establish a truly just transition, these principles must be both prioritized and implemented as part of any legislative framework that would impact communities. Impacted communities must be at the table to inform and improve legislation that will directly influence their lives—for better or worse. The EPRA is antithetical to these principles and includes provisions that would lead to more fossil fuel extraction, a proliferation of LNG exports, and expanded mining on Tribal and public lands, disproportionately impacting frontline environmental justice communities and Tribal sovereignty.

We need a permitting process that safeguards our right to a fair public input process, protects public health equitably, engages in a heightened Tribal consultation process, and does not impede judicial due process. As we enter a new era of energy production and consumption, we cannot repeat the oppressive systems of the past: we must create a clean energy system that is for and by all people in this country.

¹ Energy Permitting Reform Act of 2024, S.4753, 118th Cong. (2024), <https://www.congress.gov/bill/118th-congress/senate-bill/4753>.

² *The Principles of Environmental Justice*, <https://www.ejnet.org/ej/principles.pdf>.

³ *The Jemez Principles of Democratic Organizing*, <https://www.ejnet.org/ej/jemez.pdf>

⁴ *A People’s Orientation to a Regenerative Economy*. <https://climatejusticealliance.org/regenerativeeconomy/>

⁵ *The Black Climate Mandate*. <https://m4bl.org/wp-content/uploads/2022/08/The-Black-Climate-Mandate-2022-The-Black-Hive-@M4BL.pdf>

The EPRA Implements Priorities Found in Heritage Foundation’s Project 2025.

As demonstrated herein, there are far too many elements of the EPRA akin to the Heritage Foundation’s Project 2025 “Mandate for Leadership.” For example, the EPRA would further exempt the oil and gas industry from the public participation process for certain energy projects, intentionally hampering civic engagement opportunities upon which people of color disproportionately rely. Additional provisions the EPRA aligned with Project 2025 initiatives include, but are not limited to, deregulation of NEPA, fast tracked approval of harmful fossil fuel projects like Willow ,increased offshore oil and gas drilling and a marked proliferation of Liquefied Natural Gas (LNG) facilities and infrastructure as well as an associated increase in the export of LNG. Tribal, frontline, and all communities cannot afford implementation of harmful provisions of Project 2025.

The EPRA Severely Reduces Judicial Due Process and Public Participation.

The bill—as drafted—would result in significant limits to judicial review, neglecting adequate time for impacted communities and Tribes to provide input or oppose projects with the potential to harm public health, safety, and welfare of their communities. Moreover, the National Environmental Policy Act of 1970 (NEPA), referred to by many as “the People’s Environmental Law,” serves as a primary legal vehicle through which communities and concerned residents are able to provide input on myriad federal actions including, but not limited to, mining operations or fossil fuel projects in their neighborhoods.⁶ This bill continues the misguided trend to weaken and curtail NEPA, which already faced statutory changes this session of Congress through the Fiscal Responsibility Act of 2023.

The EPRA does not center Environmental Justice in Transmission Provisions.

There is an urgent need to responsibly increase the development and transmission of renewable energy sources. However, this cannot occur at the expense of our communities nor mimic the same methods used by extractive industries that render our communities into sacrifice zones. Recent analysis shows that public review processes like those protected by NEPA are not the primary cause of delays in renewable energy projects including transmission buildout; instead, requiring adequate public and community engagement make projects less prone to litigation and stronger overall.⁷ We reject the false choice between rapidly ramping up transmission and protecting communities from harmful permitting decisions.⁸

The EPRA Increases Disproportionate Burdens for Frontline and Tribal Communities.

The EPRA is a continuation of historic injustices, sacrificing people of color to allow the

⁶ *Protecting NEPA*, (WE ACT for Environmental Justice), <https://www.weact.org/campaigns/nepa>.

⁷ Jamie Pleune, *Choosing between Environmental Standards and a Rapid Transition to Renewable Energy Is a False Dilemma* (The Roosevelt Institute, 2023), https://rooseveltinstitute.org/wp-content/uploads/2023/05/RI_Choosing-between-Environmental-Standards-and-a-Rapid-Transition-to-Renewable-Energy-Is-a-False-Dilemma_Brief_202305-1.pdf.

⁸ *Environmental Groups Outline Solutions to Accelerate Transmission Infrastructure*, (WE ACT for Environmental Justice, 2023), <https://www.weact.org/2023/06/environmental-groups-outline-solutions-to-accelerate-transmission-infrastructure/>.

affluent to benefit with expansion of oil and gas extraction along frontline communities in the Permian Basin, the Gulf Coast and Tribal communities, which already suffer from disproportionate levels of pollution. Locking in decades more oil and gas development onshore and offshore and mandating expedited action—and automatic approval from DOE after a 90 day period transpires—of new LNG exports will flood primarily communities of color with hazardous waste pollution for generations.

To this day, people of color continue to make up a majority of the resident population in neighborhoods adjacent to fossil fuel refineries. There are currently 5 pending LNG export projects all proposed in environmental justice communities in the Gulf—CP2, Commonwealth, Port Arthur Phase 2, Magnolia, and Lake Charles—all concentrated in communities of color and of low-income already inundated by fossil fuel infrastructure.⁹ These projects have finished FERC reviews and are awaiting final approvals that this legislation could fasttrack. If approved and constructed, these facilities would generate emissions equivalent to between 114 to 153 coal-fired power plants making nearby Black and Brown communities sicker and our planet hotter.¹⁰ Similarly, the EPRA will repeat America’s cruel history of prioritizing toxic mining operations over the wellbeing of Tribal communities and protection of significant cultural sites on public lands by giving the mining industry access to our public lands for toxic waste dumping.

Further Changes to NEPA will Reduce Comprehensive Review of Project Impacts on Frontline and Tribal Communities.

The Fiscal Responsibility Act of 2023, as part of a larger deal to secure passage and promulgation of the Inflation Reduction Act, has already resulted in significant changes to the way NEPA is effectuated. The mandated reduction of the length of environmental reviews, time allotted to complete environmental reviews in concert with now allowing project sponsors to conduct subjective analyses already places increased potential harms on frontline and tribal communities. Passage of EPRA would exacerbate and intensify harms to the NEPA process already in place and increase the number of communities already subjected to increased risks associated with climate change and, proximity to pollutive infrastructure like fossil fuel and carbon dioxide pipelines, as well as the operation of extractive activities like mining and the exploration for, and burning of fossil fuels.

Emissions Modeling Fails to Account for Public Health Impacts to Communities.

Proponents of the EPRA rely on narrowly focused modeling that neglects to consider the full breadth of emissions stemming from expansion of oil, coal and gas. Not only will the purported net emissions benefits from the transmission provisions be offset and surpassed by the fossil fuel expansion encompassed in the EPRA’s text—sabotaging any chance to limit global warming to 1.5 degrees Celsius above pre-industrial levels—the models also completely ignore the conventional localized pollution, water contamination and financial hardship associated with fossil fuel infrastructure that harms frontline communities.

⁹ *Stop the Dirty Deal* (Sierra Club, 2024), https://www.sierraclub.org/sites/default/files/2024-07/Sierra%20Club%20Fact%20Sheet_%20Oppose%20Energy%20Permitting%20Reform%20Act%20of%202024%20%20.pdf.

¹⁰ Jeremy Symons, *Assessing the Climate Impacts of the Manchin-Barrasso Bill's LNG Title*, (Symons Public Affairs, 2024), <https://www.symonspa.com/post/assessing-the-climate-impacts-of-the-manchin-barrasso-bill-s-lng-title>

Congress Must Show up for Communities and Oppose the EPRA.

Given these grave concerns, we call on Congress to reject this deal and for the White House to publicly raise concerns and to issue a Statement of Administration Policy with a veto threat. While the EPRA has already advanced out of the Senate Committee on Energy and Natural Resources, we believe certain senators voted to affirm this bill based on inadequate and subjective modeling projections. As such, we urge Senator Schumer to keep this bill from consideration in the full Senate. Moreover, we strongly oppose any potential attempts to force passage of this legislation by attaching it to must-pass legislation, including, but not limited to, Appropriations bills and the National Defense Authorization Act. However, If this bill does come to a vote, we call on Congress to be steadfast in opposition.

The exceedingly harmful provisions contained within the EPRA are a part of a larger current trend to fast-track fossil fuel approvals by expediting permitting approvals that ultimately harm frontline communities. As such, while this letter's focus is on the EPRA, we also strongly oppose all efforts—including those underway in the House Natural Resources Committee—to enact legislation that would prioritize profit over people and limit the voices of impacted communities including H.J. Res. 168, Discussion Draft of H.R. _____ (Rep. Westerman), and H.R. 6129.¹¹

Alternatives and Solutions Exist to Center Environmental Justice in Permitting.

Better solutions exist like the A. Donald McEachin Environmental Justice for All Act (H.R. 1705 / S.919)¹² and the Clean Electricity and Transmission Acceleration Act (CETA) (H.R. 6747).¹³ These bills balance our need to rapidly scale up clean energy transmission and production while protecting communities in the process. The A. Donald McEachin Environmental Justice for All Act requires federal agencies to provide early and meaningful community involvement opportunities, including Tribal representation under NEPA when proposing an action affecting an environmental justice community. CETA aims to address transmission bottlenecks in a way that strengthens the engagement process; for instance, installing experts to facilitate the relationship between communities and project sponsors, and including environmental justice considerations. We urge Congress to work directly with impacted communities/organizations to develop a plan to address the need for swift renewable buildout that benefits frontline communities without fossil fuel giveaways and the effort to bypass essential community engagement.

Frontline and Tribal communities and future generations must not be subjected to the impacts of more and worse oil spills, exposure to toxic pollutants, nor the worst impacts of the climate crisis caused by the outsized influence of extractive industries on Congress—as the EPRA would bear out. Achieving true climate and environmental justice in a way that best puts us, collectively, in a position to confront and address the quintessential climate crisis requires centering community health and environmental equity in every decision. We must chart a path to realize this reality and ensure that federal policies stop sacrificing communities in the name of a false premise to “secure energy security and independence.” An equitable, clean energy future is possible, and we must work to achieve it together.

Sincerely,

¹¹ Earthjustice, *Opposition Letter September 11th Hearing*, (Earthjustice, 2024), <https://earthjustice.org/wp-content/uploads/2024/09/opposition-letter-september-11-hearing-2024.pdf>

¹² A. Donald McEachin Environmental Justice for All Act, H.R. 1705/S.919, 118th Cong. (2023), <https://www.congress.gov/bill/118th-congress/house-bill/1705>.

¹³ Clean Electricity and Transmission Acceleration Act of 2023, H.R. 6747, 118th Cong. (2024), <https://www.congress.gov/bill/118th-congress/house-bill/6747>.

Environmental Justice and Tribal Organizations

WE ACT for Environmental Justice

GreenLatinos

Indigenous Environmental Network

Black Hive (M4BL)

350 Seattle

350Deschutes.org

350Hawaii

7 Directions of Service

Alaska Community Action on Toxics

Appalachian Voices

Arise for Social Justice

Benicians for a Safe and Healthy Community

Better Path Coalition

Between the Waters

California Communities Against Toxics

Center for Coalfield Justice

Center for Earth Energy & Democracy (CEED)

Charleston WV Branch NAACP Environmental and Climate Justice Committee

CleanEarth4Kids

Climate Defenders

Climate Justice Alliance

Climate Trace

Concerned Health Professionals of Pennsylvania

Connecticut Coalition For Economic and Environmental Justice

Cut The Plastic EMS

Deep South Center for Environmental Justice (DSCEJ)

Don't Waste Arizona

Duwamish River Community Coalition

Earth Ethics, Inc.

Environmental Justice Health Alliance for Chemical Policy Reform (EJHA)

Fairmount Indigo CDC Collaborative

Flint Rising

Food and Water Watch

Friends of the Mariana Trench

Grassroots Global Justice Alliance

Greenpeace Hawaii

GreenRoots

JPAP

Just Transition Alliance

Los Jardines Institute

Move Past Plastic (MPP)

NC Climate Justice Collective

NC Environmental Justice Network
NC WARN
New Energy Economy
New Jersey Environmental Justice Alliance
New Mexico Environmental Law Center
Nicaragua Center for Community Action
North American Climate, Conservation and Environment (NACCE)
North Braddock Residents For Our Future
Ocean Conservation Research
Our Climate
Outdoor Promise
People's Justice Council
Physicians for Social Responsibility Pennsylvania
PODER
Rise to Thrive
River Valley Organizing
SEE (Social Eco Education)
South Bronx Unite
Sowing Justice
Start:Empowerment
Sunflower Alliance
Terra Advocati
Texas Environmental Justice Advocacy Services
The Clean Air Coalition of Western New York
The National Black Environmental Justice Network
Toxic Free North Carolina
Our Wisconsin Revolution
Vessel Project of Louisiana
Voices of the Land
Vote Climate
West End Revitalization Association - WERA
Worcester Congregations for Climate and Environmental Justice
Young, Gifted & Green
Youth United for Climate Crisis Action
Zero Hour

Allied Organizations

198 methods
350 Bay Area Action
350 Mass
350.org USA
350 Triangle
Alaska Wilderness League

Alliance of Nurses for Healthy Environments
Animals Are Sentient Beings, Inc
ARTivism Virginia
Berks Gas Truth
Beyond Extreme Energy
Bold Alliance
CASA
Center for Biological Diversity
Change Begins With ME (Indivisible)
Children's Environmental Health Network
Clean Air Council
Clean Energy Action
Clean Water Action
Climate Equity Los Angeles
Climate Reality, Monterey Chapter
ClimateMama
CODEPINK Bay Area
CVC/Sisters Health & Wellness Collective
Dayenu: A Jewish Call to Climate Action
Earthworks
ecoAmerica
Elders Climate Action
Endangered Species Coalition
End Climate Silence
Empower Our Future
Families Advocating for Chemical and Toxics Safety
Fox Valley Citizens for Peace & Justice
FracTracker Alliance
Freshwater Future
Fridays For Future NYC
Friends of the Earth
Good Neighbor Steering Committee of Benicia
Green America
Greenpeace USA
Haw River Assembly
Health Care Without Harm
Indian Point Safe Energy Coalition
Institute for Policy Studies Climate Policy Program
Interfaith Power & Light
International Marine Mammal Project of Earth Island Institute
Kentucky Conservation Committee
League of Conservation Voters
Long Island Progressive Coalition
Los Padres ForestWatch

Memphis APRI
Merrick-Moore Community Development Corporation
Mid-Ohio Valley Climate Action
Milwaukee Riverkeeper
Montana Environmental Information Center
Mothers Out Front
MoveOn.org Hoboken RESIST
National Ocean Protection Coalition
NEPA Green Coalition
Network for a Sustainable Tomorrow
North Country Earth Action
Nuclear Energy Information Service (NEIS)
Nuclear Information and Resource Service ("for a nuclear-free, carbon-free world")
NYPAN of the Southern Finger Lakes
O. M. Wilson, PLLC
Ocean Conservation Research
Ocean Defense Initiative
Oil and Gas Action Network
Oil Change International
Oxfam America
Peace Action WI
Pennsylvania Interfaith Power & Light
Physicians for Social Responsibility
Plastic Pollution Coalition
Preserve Monroe
Project CoffeeHouse
Property Rights and Pipeline Center
Putnam Progressives
Rachel Carson Council
Resource Renewal Institute
Responsible Alpha
Rise Up WV
Rutgers Students for Environmental Awareness
Salem Alliance for the Environment
Scientist Rebellion, Turtle Island
Sierra Club
Silvix Resources
Surfrider Foundation
The Enviro Show
The Last Plastic Straw
The Shalom Center
The United Methodist Church - General Board of Church and Society
TIAA-Divest!
Transplanting Traditions Community Farm

Turtle Island Restoration Network
Unitarian Universalists for a Just Economic Community
United Church of Christ
Waterkeeper Alliance
Western Environmental Law Center
Western Watersheds Project
Women Against War
Wyoming Wildlife Advocates