

September 27, 2022

Dear Senator,

On behalf of the undersigned organizations, we write to express our strong opposition to Senator Manchin's fossil fuel permitting bill, the *Energy Independence and Security Act of 2022* (EISA), which would prioritize the interests of the fossil fuel industry at the expense of the environment and health of frontline and Indigenous communities, which are disproportionately communities of color and low-wealth communities. We strongly urge you to **vote NO on any and all attempts to attach this harmful legislation to the Continuing Resolution** and instead pass a government spending measure free of poison pill riders.

This legislation is designed to exclude frontline communities from the permitting process and greenlight industry permits at their expense. In practice, this legislation will function as an outright attack on the inherent sovereignty and jurisdictional authority of Tribal nations to protect its territories, lands, water, air, natural and cultural resources and the health and wellbeing of its peoples. Specifically, the legislation would undermine NEPA and other permitting laws and review processes that are needed to assess all environmental and cultural impacts of federal decisions. This legislation also preferences industry preferred outcomes and pressures agencies to quickly evaluate and approve major infrastructure projects with incomplete information about their projects' environmental harms. Furthermore, it allows pipeline and other fossil fuel project sponsors to veto extensions of comment periods further limiting public input. It tips the judicial scales in industry's favor by reducing the statute of limitations for federal actions from six years to five months and sets a dangerous precedent in altering which judges or panels of judges are assigned cases and appeals.

This legislation would require federal agencies to issue all approval and permits necessary for the construction of the Mountain Valley Pipeline, a more than 300-mile fracked methane gas pipeline. The volume of gas which would flow through the pipe is equivalent to the GHG emissions of 23 coal-fired power plants. This pipeline poses unacceptable risks to communities, especially low-income, elderly communities that live along the pipeline's path, as well as Indigenous and Black communities that would be impacted by the pipeline's proposed extension. This fracked gas pipeline also threatens clean water, and while MVP is only a little more than halfway built to full restoration, with hundreds of stream crossings remaining, thus far during construction inspectors have documented over 1,500 instances of alleged violations of water quality rules. The pipeline also will harm two endangered fish—the Candy Darter, a species on the brink of extinction, and the Roanoke Logperch. Communities have fought hard to prove that this pipeline is not only harmful but also illegal. Several courts have agreed but this legislation would have the federal government ignore these communities and approve the pipeline anyway.

Senator Manchin's bill was also drafted in a largely secretive legislative process. It was first released to the public and to many Members of Congress less than a week ago and its proponents seek to have it become law within the week. The bill was crafted without consultation with all of the relevant committees of jurisdiction, without transparency or the opportunity for debate. It is rushed and its process excludes the voices of the very communities that it will harm the most.

Independent experts agree other factors – lack of funding, changes in design, shifting local and state priorities, local opposition, or project complexity, not environmental review – drive project delay. It is also worth noting that this Congress has already acted to change the permitting process. The

Infrastructure Investment and Jobs Act included a major industry-pushed expansion of the energy, mining, and infrastructure projects that can short circuit environmental review and community input while the Inflation Reduction Act invests more than \$1 billion in ensuring federal agencies have the staffing and resources to complete thorough and efficient environmental reviews and meaningful community engagement. Instead of cutting out communities, Congress should be advancing efforts that ensure fulsome public engagement early in project development and strengthen the requirements for agencies to evaluate cumulative health and climate impacts as is done in the community-led Environmental Justice for All Act.

Sincerely,  
League of Conservation Voters  
WE ACT for Environmental Justice  
Sierra Club  
Earthjustice  
198 methods  
350.org  
350Fairfax  
Accelerate Neighborhood Climate Action  
Alternatives for Community & Environment  
Appalachian Mountain Advocates  
Beyond Extreme Energy  
BIG! Blacks in Green  
Blue Ridge Environmental Defense League  
Bold Alliance  
Buckeye Environmental Network  
Businesses for a Livable Climate  
Call to Action Colorado  
CatholicNetwork US  
CCAG  
CEEJH  
Center for Biological Diversity  
Center for Common Ground  
Center for Environmental Health  
Chesapeake Climate Action Network Action Fund  
Chispa LCV  
Citizen's Alliance for a Sustainable Englewood  
Clean and Healthy New York  
Clean Water Action  
Clean+Healthy  
CLEO Institute  
Climate Crisis Policy  
Climate Hawks Vote  
Climate Justice Alliance  
CO Businesses for a Livable Climate  
COCRN Colorado Community Rights Network  
Community for Sustainable Energy  
Concerned Citizens for Nuclear Safety  
CURE (Clean Up the River Environment)

Deep South Center for Environmental Justice  
Defenders of Wildlife  
Earthworks  
EcoAction Committee of the Green Party of the U.S.  
Ecology Center (Michigan)  
Elected Officials to Protect America  
Endangered Species Coalition  
Environment America  
Environmental Justice Health Alliance for Chemical Policy Reform  
Environmental Law & Policy Center  
Environmental Protection Information Center  
Farmworker Association of Florida  
Friends Committee on National Legislation  
Friends of the Earth  
GFWC Star Woman's Club  
Global Witness  
Grassroots Global Justice Alliance  
Greater New Orleans Housing Alliance  
Green America  
Green Education and Legal Fund  
Green New Deal Network  
Green Workers Alliance  
GreenLatinos  
Greenpeace USA  
Harambee House, Inc. / Citizens for Environmental Justice  
Health Care Without Harm  
Health Professionals for a Healthy Climate  
Hispanic Federation  
Honor the Earth  
I-70 Citizens Advisory Group  
Indigenous Environmental Network  
Indivisibe Ca Green Team  
Indivisible Ambassadors  
Indivisible Virginia  
Interfaith Power & Light  
Iowa CCI  
Jean-Michel Cousteau's Ocean Futures Society  
Kentucky Heartwood  
Larimer Alliance for Health, Safety and Environment  
Locust Point Community Garden  
Mayfair Park Neighborhood Association Board  
Mental Health & Inclusion Ministries  
Minnesota Environmental Partnership  
Minnesota Interfaith Power & Light  
Moms for a Nontoxic New York  
Montbello Neighborhood Improvement Association  
Mothers Out Front Colorado  
MoveOn

National Hispanic Caucus of State Legislators  
Natural Capitalism Solutions  
Natural Resources Defense Council  
Network NOVA  
New Mexico Environmental Law Center  
North Range Concerned Citizens  
Ocean Conservancy  
Ocean Conservation Research  
Ocean Defense Initiative  
Oceana  
Oil Change International  
Operation HomeCare, Inc.  
Organized Uplifting Resources & Strategies  
Our Revolution  
Our Revolution - Arlington, Virginia  
Our Revolution Alexandria  
Our Revolution Falls Church  
Oxfam  
Partnership for Policy Integrity  
People's Action  
PODER  
Presbyterian Church (USA) Office of Public Witness  
Progressive Democrats of America - CD 8 (Virginia)  
Progressive Democrats of America - Virginia  
Project Eleven Hundred  
Protect Our Commonwealth  
Protect Our Water, Heritage, Rights (POWHR)  
Public Employees for Environmental Responsibility  
RapidShift Network  
Save EPA  
Sciencecorps  
SEVENTH GENERATION, INC.  
Small Business Alliance  
Southern Environmental Law Center  
Southern Utah Wilderness Alliance  
Southwest Organization for Sustainability  
Spirit of the Sun, Inc.  
Sunrise Movement  
System Change Not Climate Change  
Texas Campaign for the Environment  
Texas Environmental Justice Advocacy Services  
The Green House Connection Center  
The Wilderness Society  
Tishman Center  
U.S. PIRG  
Union of Concerned Scientists  
Unite North Metro Denver  
Virginia Organizing

Voices for Progress  
Wall of Women  
Waterkeeper Alliance  
Waterway Advocates  
West End Revitalization Association WERA  
Western Environmental Law Center  
Western Slope Businesses for a Livable Climate  
Western Watersheds Project  
Wilwerding Consulting  
Winter Wildlands Alliance  
Womxn from the Mountain  
Working for Racial Equity  
Zero Hour