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
CEEI
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.
Ecologuy 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
Indivisible 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
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