

Center for Biological Diversity * Clean Water Action * Earthjustice * Environment America
Friends of the Earth * GreenLatinos * League of Conservation Voters
Natural Resources Defense Council * Public Citizen * Sierra Club * Southern Environmental Law Center

July 21, 2015

Dear Representative,

On behalf of our millions of members and supporters, we write in opposition to the Energy and Commerce Committee Print as currently drafted. We are pleased that the Committee Print omits many of the harmful provisions, including the cross border pipeline permitting bill, that our community testified in opposition to during your legislative hearing process. It is our hope that the committee has decided to abandon these flawed provisions altogether.

Although we are still reviewing the draft, it appears evident that the legislation primarily benefits entrenched fossil fuel interests, rather than capitalize on the positive trends in clean energy that we are seeing both domestically and internationally. This Print is intended to be a comprehensive energy bill and, as such, it must integrate the important goals of cutting pollution, protecting public health, and combatting climate change into our energy policies. It fails to address these goals and instead, takes a regulatory framework that already preferences fossil fuels and nuclear energy and makes it more advantageous to dirty energy.

Specific provisions we oppose include:

Section 1101: This provision intends to benefit the natural gas industry by expediting natural gas pipeline approval. However, in part it accomplishes this by allowing the Federal Energy Regulatory Commission (FERC) to determine the scope of environmental review applied by all other federal and state agencies. This is an inappropriate restraint on the important work that other agencies perform to ensure that pipelines are sited responsibly. The provision also creates a dangerous conflict of interest by allowing industry to select and contract a third party to assist in the environmental review without including safeguards to ensure that the contractor is indeed neutral and is not unduly influenced by industry's interests.

Section 1102: This provision authorizes the Department of Energy (DOE) to suspend environmental regulations during an "emergency" and leaves several troubling questions unanswered. What criteria will DOE use to determine that an emergency warrants the suspension of an environmental obligation? How will DOE determine how long that suspension should be, and is DOE obligated to try to determine a way to meet the emergency situation without suspending compliance with an environmental regulation? When "emergencies" are caused by the actions of the generators, we cannot give these operators the ability to operate above the law.

Section 1103: This section requires the Secretary of Energy to streamline and enhance processes for attaining temporary regulatory relief for the oil and gas industry during and after an emergency. It is

unclear what regulations are attempting to be relieved. In the past, the Administration has had ample authority to apply common sense during and after emergency events.

Section 1107: This provision calls upon the state public utility commissions to require electric utilities to make investments to mitigate power outages. It encourages the PUCs to allow the utilities to recover these investments, with a reasonable rate of return, from their ratepayers. Because the type of investment is so open-ended (ranging from diesel generators to any distribution infrastructure) and the purpose of the investment lacks any focus, this provision puts ratepayers at unnecessary risk of imprudent expenditures by their utilities. Additionally, this section contains a provision that could hardwire in an outdated grid centered around fossil fuel-based electricity generation. The grid is moving on as utilities, grid operators, and technology providers have come to realize reliability can be provided more affordably and flexibly, without the air pollution of the past. This provision is a step backward for customers and clean air, without any incremental reliability benefit.

Title III: Just last month, the leaders of the G7 countries met in Germany and announced their unanimous support for urgent and concrete action to address climate change. They emphasized that deep cuts in global greenhouse gas emissions are required over the course of this century. Each leader committed to doing their part in achieving a low carbon economy including developing and deploying innovative technologies, and striving for a transformation of the energy sector by 2050. The global community will meet later this year in Paris where nations of the world will seek to reach agreement on pollution reduction targets. Title III of the Committee Print presents a different vision. It embraces a vision of North America integrated by oil and gas exploration and production with no focus on the important pollution reductions scientists tell us we urgently need.

Section 4114: This provision revises the definition of “renewable energy” as it pertains to federal purchase requirements for electricity. The bill adds the term “qualified waste heat resource” as a type of renewable energy and defines it to include flared gas, waste gas, and industrial tail gas. Heat generation from burning natural gas is not, and should not be, considered renewable energy.

Though our analysis has just begun, it is clear that this Committee Print will have sweeping and unintended consequences on climate change and public health. We urge Congress to ensure that, as this energy bill advances, it contains substantial changes that prioritize the health of our communities and action on climate. Our groups cannot support it in its current form.

Sincerely

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